

S
371.9
P11a
1979

PLEASE RETURN

THE FISCAL YEAR 1979
ANNUAL PROGRAM PLAN UNDER PART B
THE EDUCATION OF THE HANDICAPPED ACT,
P. L. 94-142.

STATE DOCUMENTS COLLECTION

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State of Montana

The Office of Public Instruction
Georgia Rice, Superintendent
Special Education Unit
State Capitol
Helena, Montana 59601

APRIL 1979



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THE FY 1979
ANNUAL PROGRAM PLAN UNDER PART B
THE EDUCATION OF THE HANDICAPPED ACT,
P. L. 94-142.

State of Montana
The Office of the Superintendent
of Public Instruction
Special Education Unit
State Capitol
Helena, Montana 59601

APRIL 1979



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TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
ONE: Submission Statement and Assurances-----	1
TWO: Annual Program Plan Narrative for FY 1979-----	10
THREE: Early Childhood Incentive Proposal for FY 79-----	135
FOUR: Attachments-----	136

LIST OF TABLES

<u>Table</u>	<u>Page</u>
1. Detailed Timetable-----	27
2A. State Personnel Summary for 1977-78-----	29
2B. Projected Personnel Summary for 1978-79-----	30
2C. Projected Personnel Summary for 1979-80-----	31
3. Children Served and Service Needs in Priority Areas-----	33
4. Least Restrictive Environment-----	84-85
5. Inservice Training Form-----	109

SECTION ONE

<u>Item</u>	<u>Page</u>
Submission Statement-----	1
OE Application Form-----	4
Certification of State Attorney General-----	7
Governor's Statement-----	8
Statement of Assurance-----	9

SUBMISSION STATEMENT

I, the undersigned authorized official of the State Education Agency of Montana, hereby submit the following amended Annual Program Plan for Fiscal Year 1979 under Part B of the Education of the Handicapped Act, as amended by Public Law 94-142.

I CERTIFY that the following assurances will be met with the State of Montana.

- 1) That the Annual Part B Program Plan under Public Law 93-380 for Fiscal Year 1978 is hereby incorporated by reference into the APP for FY 1979 and that no revisions have been made which have not been submitted to the USOE/BEH and approved.
- 2) That the attached Annual Program Plan amendment of FY 1979 has been adopted by the Superintendent of Public Instruction on April 10, 1979.
- 3) That the Annual Program Plan submitted under the provisions of Public Law 93-380 together with the attached amendment to the plan, constitute the basis for the operation and administration of the activities to be carried out in the State under Part B of the Education of the Handicapped Act, as amended by Public Law 94-142.
- 4) The Amended Annual Program Plan for Fiscal Year 1979 was submitted to the Governor on April 15, 1979, to provide 45 days for an opportunity for comment on the relationship of this plan to other State plans and programs for the handicapped in accordance with 45 CFR 100b.15 of the Office of Education General Provisions Regulations. The Governor's comment, or statement that no comments have been made, is attached.
- 5) The State Education Agency is responsible for assuring that the requirements of P.L. 94-142 are carried out and that each educational program for handicapped children administered within the state, including all programs administered by any other State or local agency, is under the general supervision of the State Education Agency persons responsible for educational programs for handicapped children and that all such programs will meet the education standards established by the State Education Agency. In Section A are copies of State administrative policies or agreements between the State Education Agency and other State and local agencies supporting the SEA responsibility for general supervision of all educational programs for handicapped children.
- 6) Procedures have been established for consultation with individuals involved in or concerned with the education of handicapped children, including handicapped individuals and parents or guardians of handicapped children.

7) Funds received by the State or any of its political subdivisions under any other Federal program, including Section 121 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 241e-2), Section 305(b) (8) of the Act (20 U.S.C. 844a(b)(8) or its successor authority, and Section 122(a)(4)(B) of the Vocational Education Act of 1963 (20 U.S.C. 1262(a)(4)(B), under which there is specific authority for assistance for the education of handicapped children, will be used by the State or any of its political subdivisions, only in a manner consistent with the goal of providing free appropriate public education for all handicapped children, except that nothing in this section will limit the specific requirements of the laws governing those Federal programs.

8) Control of funds under Part B of the Act, and title to property acquired with those funds is in a public agency for the uses and purposes provided in Part B, and that a public agency will administer the funds and property.

9) The state will keep such records and afford access to those records as the Commissioner deems necessary to assure corrections and verification of reports and proper disbursement of funds.

10) Funds made available under Part B of the Act will not be commingled with State funds and will be used to supplement and increase the level of State and local funds expended for the education of handicapped children.

11) Consistent with procedures under Section 617(a)(2) of the Act, the State will adopt necessary fiscal control and fund accounting procedures to assure proper disbursement of, and accounting for Federal funds paid under Part B of the Act, including any of those funds paid to local education agencies. •

12) Confidentiality safeguards are being followed in the child identification program and all other aspects of our program is outlined in the Confidentiality Section of the 1976 Amended Annual Program Plan for EHA-B. This Confidentiality Section will be made available to parents, guardians, and other members of the general public upon request.

13) A State Advisory Panel on the Education of Handicapped Children will be appointed by the Governor or any other official authorized under law to make such appointments and the composition of the panel will include at least one person representative of each of the following groups: handicapped individuals; teachers of handicapped children; parents or guardians of handicapped children; State and local education officials and Special Education Programs Administrators.

OR

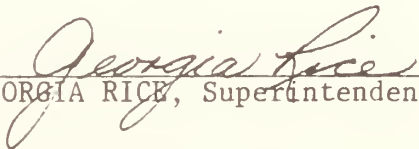
The existing Advisory Panel on the Education of Handicapped Children will be modified so that it fulfills all of the requirements and functions contained in Part B.

14) Certifications. I certify (1) that this plan has been adopted by the State educational agency and is the basis for the operation and administration of the activities to be carried out in this State under Part B, and (2) that this State is meeting (will meet) all of the applicable requirements of Part B of the Education of the Handicapped Act, as amended by P.L. 94-142, and the regulations implementing the Act (45 CFR Part 121a).

I, the undersigned authorized official of the State Education Agency of Montana, hereby submit the Incentive Grant Application for fiscal year 1979 under Part B of the Education of the Handicapped Act. This application is subject to the same procedures for review by the Governor and Attorney General as required for the Annual Program Plan.

April 12, 1979

DATE


GEORGIA RICE, Superintendent

Date Received in Bureau

GEORGIA RICE

Typed Name

Superintendent of Public Instruction
Title

FEDERAL ASSISTANCE

2. APPLICANT'S
APPLI-
CATION

a. NUMBER

3. STATE
APPLI-
CATION
IDENTI-
FIER

a. NUMBER

1. TYPE
OF
ACTION ☐ PREAPPLICATION
☒ APPLICATION
(Mark appropriate box)
☐ NOTIFICATION OF INTENT (Opt)
☐ REPORT OF FEDERAL ACTIONb. DATE Year month day
19 79 4 12b. DATE Year month day
ASSIGNED 19Leave
Blank

4. LEGAL APPLICANT/RECIPIENT

a. Applicant Name : Superintendent of Public Instruction
b. Organization Unit : State Capitol, Special Education Unit
c. Street/P.O. Box : Helena
d. City : Montana
e. State : Paul W. Spoor
f. Contact Person (Name & telephone No.) : (406)449-5660
g. County : Lewis & Clark
h. ZIP Code: 59601

5. FEDERAL EMPLOYER IDENTIFICATION NO.

6. PRO-
GRAM
(From
Federal
Catalog)

a. NUMBER 113 449

b. TITLE Grant to States for
Education of Handicapped
Children (Preschool and
School Programs)

7. TITLE AND DESCRIPTION OF APPLICANT'S PROJECT

State of Montana Plan for Special Education
Programs and Services

8. TYPE OF APPLICANT/RECIPIENT

A-State
B-Interstate
C-Substate
District
D-County
E-City
F-School District
G-Special Purpose
District
H-Community Action Agency
I-Higher Educational Institution
J-Indian Tribe
K-Other (Specify):
Enter appropriate letter ☒ A

9. TYPE OF ASSISTANCE

A-Basic Grant D-Insurance
B-Supplemental Grant E-Other
C-Loan
Enter appropriate letter(s) ☒ A10. AREA OF PROJECT IMPACT (Name of cities, counties,
States, etc.)

State of Montana

11. ESTIMATED NUM-
BER OF PERSONS
BENEFITING

13,000

12. TYPE OF APPLICATION

A-New C-Revision E-Augmentation
B-Renewal D-Continuation
Enter appropriate letter ☒ B

13. PROPOSED FUNDING

a. FEDERAL \$ 1,553,292 .00
b. APPLICANT .00
c. STATE 30,000,000 .00
d. LOCAL .00
e. OTHER 31,553,292 .00
f. TOTAL \$.00

14. CONGRESSIONAL DISTRICTS OF:

a. APPLICANT

113

b. PROJECT

All

16. PROJECT START
DATE Year month day
1979 7 117. PROJECT
DURATION
9-30-80 Months18. ESTIMATED DATE TO
BE SUBMITTED TO
FEDERAL AGENCY Year month day
19 79 4 12

15. TYPE OF CHANGE (For 12c or 12d)

A-Increase Dollars
B-Decrease Dollars
C-Increase Duration
D-Decrease Duration
E-Cancellation
F-Other (Specify):
NA
Enter appropriate letter(s) ☐ ☐ ☐20. FEDERAL AGENCY TO RECEIVE REQUEST (Name, City, State, ZIP code) U.S. Office of Education,
Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202

21. REMARKS ADDED

☐ Yes ☒ No22. THE APPLICANT
a. To the best of my knowledge and belief,
data in this preapplication/application are
true and correct, the document has been
duly authorized by the governing body of
the applicant.
b. If required by OMB Circular A-95 this application was submitted, pursuant to in-
structions therein, to appropriate clearinghouses and all responses are attached:
(1) OFM
(2)
(3)No re-
sponses
Response
attached
☐ ☒ ☐23. CERTIFYING
REPRE-
SENTATIVE

a. TYPED NAME AND TITLE

Supt. of Public Instruction

b. SIGNATURE

c. DATE SIGNED

Year month day
19

24. AGENCY NAME

Office of Superintendent of Public Instruction

25. APPLICATION
RECEIVED Year month day
19

26. ORGANIZATIONAL UNIT

Special Education Unit

27. ADMINISTRATIVE OFFICE

28. FEDERAL APPLICATION
IDENTIFICATION

29. ADDRESS

State Capitol, Helena, MT 59601

30. FEDERAL GRANT
IDENTIFICATION

31. ACTION TAKEN

☐ a. AWARDED
☐ b. REJECTED
☐ c. RETURNED FOR
AMENDMENT
☐ d. DEFERRED
☐ e. WITHDRAWN

32. FUNDING

a. FEDERAL \$.00
b. APPLICANT .00
c. STATE .00
d. LOCAL .00
e. OTHER .00
f. TOTAL \$.0033. ACTION DATE Year month day
1935. CONTACT FOR ADDITIONAL INFORMA-
TION (Name and telephone number)34. Year month day
STARTING
DATE 1936. Year month day
ENDING
DATE 19

37. REMARKS ADDED

☐ Yes ☐ No38. FEDERAL AGENCY
A-95 ACTIONa. In taking above action, any comments received from clearinghouses were con-
sidered. If agency response is due under provisions of Part 1, OMB Circular A-95,
it has been or is being made.b. FEDERAL AGENCY A-95 OFFICIAL
(Name and telephone no.)

APPLICATION FOR FEDERAL ASSISTANCE (NONCONSTRUCTION PROGRAMS) PART I		1. STATE CLEARINGHOUSE IDENTIFIER 2. APPLICANT'S APPLICATION NUMBER <div style="text-align: center;">#1</div>	
3. FEDERAL GRANTOR AGENCY <div style="text-align: center;">Office of Education (Handicapped)</div> <div style="text-align: center;">ORGANIZATIONAL UNIT</div> <div style="text-align: center;">Application Center</div> <div style="text-align: center;">ADMINISTRATIVE OFFICE</div> <div style="text-align: center;">400 Maryland Avenue, SW</div> <div style="text-align: center;">STREET ADDRESS - P.O. BOX</div> <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;">Washington, D.</div> <div style="text-align: center;">D.C.</div> <div style="text-align: center;">20202</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;">CITY</div> <div style="text-align: center;">STATE</div> <div style="text-align: center;">ZIP CODE</div> </div>		4. APPLICANT NAME <div style="text-align: center;">Superintendent of Public Instruction</div> <div style="text-align: center;">DEPARTMENT DIVISION</div> <div style="text-align: center;">Special Education Unit</div> <div style="text-align: center;">STREET ADDRESS - P.O. BOX</div> <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;">State Capitol, Helena, MT</div> <div style="text-align: center;">Lewis &</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;">CITY</div> <div style="text-align: center;">59601</div> <div style="text-align: center;">COUNTY</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;">STATE</div> <div style="text-align: center;">ZIP CODE</div> </div>	
5. DESCRIPTIVE NAME OF THE PROJECT <div style="text-align: center;">State of Plan for Special Education Programs and Services</div>			
6. FEDERAL CATALOG NUMBER <div style="text-align: center;">13.449</div>		7. FEDERAL FUNDING REQUESTED <div style="text-align: center;">\$ 1,553,282.00</div>	
8. GRANTEE TYPE <div style="text-align: center;"><input checked="" type="checkbox"/> STATE, COUNTY, CITY, OTHER (Specify)</div>			
9. TYPE OF APPLICATION OR REQUEST <div style="text-align: center;"><input checked="" type="checkbox"/> NEW GRANT, CONTINUATION, SUPPLEMENT, OTHER CHANGES (Specify)</div>			
10. TYPE OF ASSISTANCE <div style="text-align: center;"><input checked="" type="checkbox"/> GRANT, LOAN, OTHER (Specify)</div>			
11. POPULATION DIRECTLY BENEFITING FROM THE PROJECT 		13. LENGTH OF PROJECT <div style="text-align: center;">Fiscal Year 1979</div>	
12. CONGRESSIONAL DISTRICT <div style="text-align: center;">a. All</div> <div style="text-align: center;">b.</div>		14. BEGINNING DATE <div style="text-align: center;">June 1, 1979</div>	
		15. DATE OF APPLICATION <div style="text-align: center;">April 12, 1979</div>	
16. THE APPLICANT CERTIFIES THAT TO THE BEST OF HIS KNOWLEDGE AND BELIEF THE DATA IN THIS APPLICATION ARE TRUE AND CORRECT, AND THAT HE WILL COMPLY WITH THE ATTACHED ASSURANCES IF HE RECEIVES THE GRANT.			

TYPED NAME <div style="text-align: center;">Georgia Rice</div>	TITLE <div style="text-align: center;">State Superintendent of Public Instruction</div>	TELEPHONE NUMBER <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">AREA CODE</td> <td style="width: 33%;">NUMBER</td> <td style="width: 33%;">EXTENSION</td> </tr> <tr> <td style="text-align: center;">406</td> <td style="text-align: center;">449-5660</td> <td></td> </tr> </table>	AREA CODE	NUMBER	EXTENSION	406	449-5660	
AREA CODE	NUMBER	EXTENSION						
406	449-5660							
SIGNATURE OF AUTHORIZED REPRESENTATIVE <div style="text-align: center;"> </div>								

For Federal Use Only

PART II PROJECT APPROVAL INFORMATION

ITEM 1.

Does this assistance request require State, local, regional, or other priority rating?

Name of Governing Body _____
Priority Rating _____

☐ Yes ☒ No

ITEM 2.

Does this assistance request require State, or local advisory, education or health clearances?

Name of Agency or Board _____

☐ Yes ☒ No (Attach Documentation)

ITEM 3.

Does this assistance request require clearinghouse review in accordance with OMB Circular A-95?

(Attach Comments)

☒ Yes ☐ No

ITEM 4

Does this assistance request require State, local, regional, or other planning approval?

Name of Approving Agency _____
Date _____

☐ Yes ☐ No

ITEM 5

Is the proposed project covered by an approved comprehensive plan?

Check one:

☒ State

☐ Local

☐ Regional

☒ Yes ☐ No Location of Plan _____

ITEM 6

Will the assistance requested serve a Federal installation?

Name of Federal Installation _____
Federal Population benefiting from Project _____

NA

☐ Yes ☐ No

ITEM 7

Will the assistance requested be on Federal land or installation?

Name of Federal Installation _____
Location of Federal Land _____
Percent of Project _____

NA

☐ Yes ☐ No

ITEM 8

Will the assistance requested have an impact or effect on the environment?

See instructions for additional information to be provided.

NA

☐ Yes ☐ No

ITEM 9

Will the assistance requested cause the displacement of individuals, families, businesses, or farms?

Number of:

Individuals _____

Families _____

Businesses _____

Farms _____

NA

☐ Yes ☐ No

ITEM 10

Is there other related assistance on this project previous, pending, or anticipated?

See instructions for additional information to be provided.

NA

☐ Yes ☐ No

Montana

CERTIFICATION OF STATE ATTORNEY GENERAL
OR OTHER APPROPRIATE STATE LEGAL OFFICER
(121a.112(b))

I hereby certify that:

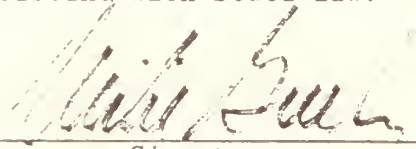
1. The Office of Superintendent of Public Instruction
Legal Name of State Education Agency

has authority under State law to submit this annual program plan under Part B of the Education of the Handicapped Act, as amended by P.L. 94-142, and to administer or supervise the administration of the plan; and

2. All plan provisions are consistent with State law.

5/6/79

Date


Signature

Mike Greely, Attorney General
Typed Name and Title of State Legal
Officer

GOVERNOR'S STATEMENT:

TO BE INCLUDED AT A LATER DATE

ASSURANCE OF COMPLIANCE WITH THE DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE REGULATION UNDER
TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

State of Montana

(Name of Applicant)

(hereinafter called the "Applicant")

HEREBY AGREES THAT it will comply with title VI of the Civil Rights Act of 1964 (P.L. 88-352) and all requirements imposed by or pursuant to the Regulation of the Department of Health, Education, and Welfare (45 CFR Part 80) issued pursuant to that title, to the end that, in accordance with title VI of that Act and the Regulation, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant receives Federal financial assistance from the Department; and HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.

If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Applicant by the Department, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is so provided, this assurance shall obligate the Applicant for the period during which it retains ownership or possession of the property. In all other cases, this assurance shall obligate the Applicant for the period during which the Federal financial assistance is extended to it by the Department.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Applicant by the Department, including installment payments after such date on account of applications for Federal financial assistance which were approved before such date. The Applicant recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Applicant.

Dated X April 12, 1979

State of Montana

(Applicant)

By

Georgia Rice

GEORGIA RICE

Superintendent of Public Instruction

State Capitol

Helena, MT 59601

(Applicant's mailing address)

SECTION TWO: ANNUAL PROGRAM PLAN NARRATIVE FOR FISCAL YEAR 1979

ITEM	<u>Page</u>
I. Public Notice & Opportunity for Comment.	10
II. Right to Education Policy Statement.	12
III. Full Educational Goal and Timelines.	25
IV. Policy on Priorities	35
V. Child Identification	37
VI. Individualized Education Program	55
VII. Procedural Safeguards.	68
VIII. Least Restrictive Environment.	81
IX. Protection in Evaluation Procedures.	91
X. Comprehensive System of Personnel Development.	100
XI. Participation of Private School Children	110
XII. Placement in Private Schools	113
XIII. Recovery of Funds for Misclassified Children	118
XIV. Hearing on LEA Application	119
XV. Annual Evaluation.	119
XVI. Additional Requirements.	121
A. Responsibility of SEA for All Educational.	121
Programs	
B. Monitoring Procedures.	126
C. Policies & Procedures for Use of Part B Funds.	129
D. Nondiscrimination & Employment of Handicapped.	131
Individuals	
E. Additional Information If SEA Provides Direct.	131
Services	
XVII. Description of Use of Part B Funds	131

I. PUBLIC NOTICE AND OPPORTUNITY FOR COMMENT

A. PUBLIC PARTICIPATION ACTIVITIES:

1. Presubmission:
Not being followed. Please refer to postsubmission statement.
2. Postsubmission:
The Montana APP for FY'79 was made available to the public following submission to BEH. Copies of the Plan were made available through the Montana State Library System, the University Library System, County Superintendents, Regional Service Directors and to individuals upon request from the Office of Public Instruction. The Plan was made available on May 1, 1979 for a 30 day review with a hearing tentatively scheduled for June 1, 1979. A table of received comments and actions taken by the SEA shall be sent to BEH at a later date. Following is a description of the news release and a listing of the state newspapers and other media with whom contact was made regarding the publication for the hearing and comments on the 1979 APP.

To: All News Media
From: Georgia Rice, Office of Public Instruction
For Release: Immediately
Date: April 1979
Helena A public hearing on the Amended Annual State Plan for the education of handicapped students in Montana for fiscal year 1979 will be conducted in Helena on June 1, 1979. The hearing will begin at 1:00 p.m. in the Senate Chamber in the State Capitol.

The fiscal year 1979 Plan includes guidelines and priorities for the use of federal dollars for handicapped school age children in Montana. The Plan was submitted on April 12, 1979 to the Bureau of Education for the Handicapped for approval. Public notice will be made when BEH approval of the 1979 APP has been awarded. The public is encouraged to participate in the hearing and to offer comments or suggestions. Copies of the Amended Annual State Plan for Special Education will be available at County Superintendent offices, and at the hearing, or may be obtained in advance by writing to the Special Education Unit, Office of Public Instruction, State Capitol, Helena, MT 59601.

Written suggestions or comments on the plan should be directed to Superintendent of Public Instruction, Georgia Rice, no later than June 8, 1979.

B. ACTIVITIES

All requirements as outlined in S121a.280-121a.284 are being met by the State.

MONTANA DAILY NEWSPAPERS

City	Newspaper	Editor	Telephone
Billings	Billings Gazette	W.N. Roesgen	245-3071
Bozeman	Bozeman Daily Chronicle	Walter Secor	587-4491
Butte	Montana Standard	Bert Gaskill	792-8301
Great Falls	Great Falls Tribune	Terry Dwyer	761-6066
Hamilton	Ravalli Republic	Bob Gilluly	363-3300
Havre	Havre Daily News	H.C. Watts, Jr.	265-6796
Helena	Independent Record	Michael Voeller	442-7190
Kalispell	Daily Inter Lake	Marlin Hanson	755-7000
Livingston	Livingston Enterprise	John Sullivan	222 2000
Miles City	Miles City Star	Paul Husted	232-0450
Missoula	Missoulian	Edward Coyle	542-0311

CAPITOL BUREAUS—HELENA

Great Falls Tribune Capitol Bureau	Frank Adams	442-9493
Lee Newspaper State Bureau	Gary Langley	442-7190

MONTANA WEEKLY NEWSPAPERS

City	Newspaper	Editor	Telephone
Anaconda	Anaconda Leader	Lynn Thomas	563-5283
Baker	Fallon County Times	James Anderson	778-3344
Belt	Belt Valley Times	Genevieve Mizen	277-3806
Big Sandy	The Mountaineer	James & Terry Rettig	378-2176
Big Timber	Big Timber Pioneer	Larry Lowary	932-2681
Billings	Billings Times	Phil Isaac	245-4994
Billings	Montana Oil Journal	Harland Boles	656-0886
Billings	Western Livestock Reporter	Patrick Goggins	259 4589
Boulder	Boulder Monitor	Dean Brown	225-3821
Bozeman	High Country	Donna Brown	587-5446
Browning	Powder River Examiner	Georgie Vandever	436-2244
Cascade	Glacier Reporter	Larry Miles	338 2090
Chester	Cascade Courier	Roger Miner	468-2514
Chinook	Liberty County Times	Irvin Hutchinson	759-5355
Choteau	Chinook Opinion	Keith Abel	357-2680
Circle	Circle Banner	Richard Nordhagen	466-2403
Columbia Falls	Hungry Horse News	Irene Berger	485-2330
Columbus	Columbus News	Melvin Ruder	892 5600
Conrad	Independent-Observer	Ann Palmer Myers	322-5212
Culbertson	The Searchlight	John Lee	278 5561
Cut Bank	Cut Bank Pioneer Press	Ila Mae Forbregd	787-5821
Cut Bank	Western Breeze	Riley Johnson	938-2201
Deer Lodge	Silver State Post	Jim O'Day, Jr.	938 2942
Dillon	Tribune Examiner	J.O. Gahrett	846 2424
Ekalaka	Ekalaka Eagle	David Billington	683-2331
		Tom Tjaylor	775-3232

MONTANA WEEKLY NEWSPAPERS

City	Newspaper	Editor	Telephone
Eureka	Tobacco Valley News	Richard Shirley	296-2514
Fairfield	Fairfield Times	Ralph Sand	467-2334
Fairview	Fairview News	Mary Barr	747-5416
Forsyth	Forsyth Independent	Steve Jessen	356-2149
Fort Benton	River Press	Joel Overholser	622-3311
Glasgow	Glasgow Courier	Dick Kalebjan	228-9301
Glendive	Ranger-Review	Mary Burke	365-3303
Great Falls	Montana Catholic Register	Rev. Dale McFarlane	452-2911
Hamilton	Western News	John Barrows	363-3333
Hardin	Hardin Herald	Ronald Lytle	665-1008
Harlem	Harlem News	Neil Johnson	353-2441
Harlowton	Times-Clarion	Gerald Miller	632-5633
Helena	Westmont World	Sister Mary Catherine Dougherty	442-5825
Hysham	Hysham Echo	Barbara Cramer	342-5324
Jordan	Jordan Tribune	Janet Guptill	557-2500
Kalispell	Kalispell Weekly News	George Ostrom	755-6767
Kalispell	Rocky Mountain Informer	Frank Thomas	755-5447
Laurel	Laurel Outlook	Campbell Calvert	698-4412
Lewistown	News-Argus	Esther Hill	538-3401
Libby	Western News	Paul Verdon	293-4124
Livingston	Park County News	John Sullivan	222-2000
Malta	Phillips County News	Dwight Pfeifer	654-2020
Philipsburg	Phillipsburg Mail	Dean Neitz	859-3223
Plains	Plainsman	Donald Coe	826-3402
Plentywood	Plentywood Herald	Stuart Polk	765-1150
Polson	Flathead Courier	Paul Fugleberg	883-4391
Red Lodge	Carbon County News	Burt Huntington & Dave Henderson	446-2222
Ronan	Ronan Pioneer	Paul Fugleberg & Lorin Jacobson	676-3800
Roundup	Roundup Record-Tribune	Louise Rasmussen	323-1105
Scobey	Daniels County Leader	Larry Bowler	487-5571
Shelby	Shelby Promoter & Tribune	John Kavanagh	434-2521
Shelby	Shelby Times	Lloyd Stinebaugh	434-2231
Sidney	Sidney Herald	David Stenerson	482-2706
Stanford	Judith Basin Press	Sam Butler	566-2471
Stevensville	Northwest Tribune	David Williams	777-5722
Superior	Mineral Independent	George Howell	822-4931
Terry	Terry Tribune	Fred Ronch	637-5513
Thompson Falls	Sanders County Ledger	K.A. Eggensperger	827-3421
Three Forks	Three Forks Herald	William Davis	285-3414
Townsend	Townsend Star	Stanley Tickenor	266-3333
Valer	Spray	Anna Mae Peterson	279-3712
Virginia City	The Madsonian	Daryl Tichenor	843-5341
White Sulphur	Meagher County News	Verle Rademacher	547-3831
Whitefish	Whitefish Pilot	Richard Adams	862-3505
Whitehall	Jefferson Valley News	Dean Brown	287-3231
Wibaux	Wibaux Pioneer-Gazette	Louise Sherman	795-2218

MONTANA DAILY NEWSPAPERS

City	Newspaper	Editor	Telephone
Billings	Billings Gazette	W.N. Roessen	245-3071
Bozeman	Bozeman Daily Chronicle	Walter Secor	587-4491
Butte	Montana Standard	Bert Gaskill	792-8301
Great Falls	Great Falls Tribune	Terry Dwyer	761-6066
Hamilton	Ravalli Republic	Bob Gilluly	363-3300
Havre	Havre Daily News	H.C. Watts, Jr.	265-6796
Helena	Independent Record	Michael Voeller	442-7190
Kalispell	Daily Inter Lake	Marlin Hanson	755-7000
Livingston	Livingston Enterprise	John Sullivan	222-2000
Miles City	Miles City Star	Paul Husted	232-0450
Missoula	Missoulian	Edward Coyle	542-0311

CAPITOL BUREAUS—HELENA

Great Falls Tribune Capitol Bureau	Frank Adams	442-9493
Lee Newspaper State Bureau	Gary Langley	442-7190

MONTANA WEEKLY NEWSPAPERS

City	Newspaper	Editor	Telephone
Anaconda	Anaconda Leader	Lynn Thomas	563-5283
Baker	Fallon County Times	James Anderson	778-3344
Belt	Belt Valley Times	Genevieve Mizen	277-3806
Big Sandy	The Mountaineer	James & Terry Rettig	378-2176
Big Timber	Big Timber Pioneer	Larry Lowary	932-2681
Billings	Billings Times	Phil Isaac	245-4994
Billings	Montana Oil Journal	Harland Boles	656-0886
Boulder	Western Livestock Reporter	Patrick Goggins	259-4589
Boulder	Boulder Monitor	Dean Brown	225-3821
Bozeman	High Country	Donna Brown	587-5446
Broadus	Powder River Examiner	Georgie Vandever	436-2244
Browning	Glacier Reporter	Larry Miles	338-2090
Cascade	Cascade Courier	Roger Miner	468-2514
Chester	Liberty County Times	Irvin Hutchinson	759-5355
Chinook	Chinook Opinion	Keith Abel	357-2680
Choteau	Choteau Acantha	Richard Nordhagen	466-2403
Circle	Circle Banner	Irene Berger	485-2330
Columbia Falls	Hungry Horse News	Melvin Ruder	892-5600
Columbus	Columbus News	Ann Palmer Myers	322-5212
Conrad	Independent Observer	John Lee	278-5561
Culbertson	The Searchlight	Ila Mae Forbregd	787-5821
Cut Bank	Cut Bank Pioneer Press	Riley Johnson	938-2201
Cut Bank	Western Breeze	Jim O'Day, Jr.	938-2942
Deer Lodge	Silver State Post	J.O. Gehrett	846-2424
Dillon	Tribune Examiner	David Billington	683-2331
Ekala	Ekala Eagle	Tom Taylor	775-3232

MONTANA WEEKLY NEWSPAPERS

City	Newspaper	Editor	Telephone
Eureka	Tobacco Valley News	Richard Shirley	296-2514
Fairfield	Fairfield Times	Ralph Sand	467-2334
Fairview	Fairview News	Mary Barr	747-5416
Forsyth	Forsyth Independent	Steve Jensen	356-2149
Fort Benton	River Press	Joel Overholser	622-3311
Glasgow	Glasgow Courier	Dick Kalebjan	228-9301
Glendive	Ranger-Review	Mary Burke	365-3303
Great Falls	Montana Catholic Register	Rev. Dale McFarlane	452-2911
Hamilton	Western News	John Barrows	363-3333
Hardin	Hardin Herald	Ronald Lytle	665-1008
Harlem	Harlem News	Neil Johnson	353-2441
Harlowton	Times-Clarion	Gerald Miller	632-5633
Helena	Westmont World	Sister Mary Catherine Dougherty	442-5825
Hysham	Hysham Echo	Barbara Cramer	342-5324
Jordan	Jordan Tribune	Janet Guptill	557-2500
Kalispell	Kalispell Weekly News	George Ostrom	755-6767
Laurel	Rocky Mountain Informer	Frank Thomas	755-5447
Lewistown	Laurel Outlook	Campbell Calvert	698-4412
Libby	News-Argus	Esther Hill	538-3401
Livingston	Western News	Paul Verdon	293-4124
Malta	Park County News	John Sullivan	222-2000
Philipsburg	Phillips County News	Dwight Pfeifer	654-2020
Plains	Philipsburg Mail	Dean Neitz	859-3223
Plentywood	Plainsman	Donald Coe	826-3402
Polson	Plentywood Herald	Stuart Polk	765-1150
Red Lodge	Flathead Courier	Paul Fugleberg	883-4391
Ronan	Carbon County News	Burt Huntington & Dave Henderson	446-2222
Ronan	Ronan Pioneer	Paul Fugleberg & Lorin Jacobson	676-3800
Roundup	Roundup Record-Tribune	Louise Rasmussen	323-1105
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Stanford	Judith Basin Press	Sam Butler	566-2471
Stevensville	Northwest Tribune	David Wilms	777-5722
Superior	Mineral Independent	George Howell	822-4931
Terry	Terry Tribune	Fred Ronch	637-5513
Thompson Falls	Sanders County Ledger	K.A. Eggensperger	827-3421
Three Forks	Three Forks Heralds	William Davis	285-3414
Townsend	Townsend Star	Stanley Tickenor	266-3333
Valier	Spray	Anna Mae Peterson	279-3712
Virginia City	The Madisonian	Daryl Tichenor	843-5341
White Sulphur	Meagher County News	Verle Rademacher	547-3831
Whitefish	Whitefish Pilot	Richard Adams	862-3505
Whitehall	Jefferson Valley News	Dean Brown	287-3231
Wibaux	Wibaux Pioneer-Gazette	Louise Sherman	795-2218
Winnett	Winnett Times	Louise Rasmussen	429-3515
Wolf Point	Herald-News, Inc.	Jay Ulku	653-2222

II. RIGHT TO EDUCATION POLICY STATEMENT

A. STATE LAW: (Title 20, Chapter 7, Montana Code Annotated, 1978).

20-7-401. DEFINITIONS. In this Title, unless the context clearly indicates otherwise, the following definitions apply:

"Special education" means specially designed instruction, given at no cost to the parents or guardians, to meet the unique needs of a handicapped child, including but not limited to classroom instruction in physical education, home instruction, and instruction in hospitals and institutions. The term includes but is not limited to speech pathology, audiology, occupational therapy, and physical therapy.

"Handicapped child" means a child evaluated as being mentally retarded, hard-of-hearing, deaf, speech-impaired, visually handicapped, emotionally disturbed, orthopedically impaired, other health-impaired, or as having specific learning disabilities who because of those impairments needs special education and related services.

"Deaf" means a hearing impairment which is so severe that the child's hearing is nonfunctional for the purpose of educational performance.

"Hard-of-hearing" means a hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance but which is not included within the definition of "deaf".

"Mentally retarded" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects a child's educational performance.

"Orthopedically impaired" means a severe orthopedic impairment which adversely affects a child's educational performance. The term includes but is not limited to impairment caused by congenital anomaly (e.g., clubfoot or absence of some member), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., fractures or burns which cause contractures, amputation, cerebral palsy).

"Other health-impaired" means limited strength, vitality, or alertness due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle-

cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes.

"Emotionally disturbed" means a condition exhibiting one or more of the following characteristics to a marked degree and over a long period of time: an inability to learn which cannot be explained by intellectual, sensory, or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate types of behavior or feelings under normal circumstances; a general pervasive mood of unhappiness or depression; or a tendency to develop physical symptoms, pains, or fears associated with personal or school problems. The term

does not include children who are socially maladjusted. The emotionally disturbed category may include students who also may have been diagnosed by appropriate specialists as autistic, psychotic, sociopathic, or schizophrenic. An emotionally disturbed child's disorders are not primarily the result of problems with visual acuity, hearing impairment, physical handicaps, cultural or instructional factors, or mental retardation. "Emotionally disturbed" refers to a person who has been identified, based on a comprehensive evaluation, as having observable behavioral patterns which seriously inhibit the academic and social or emotional growth of the individual or the educational rights of others to the point that supportive services are required, these behavioral patterns may include:

- (a) excessive physical or verbal aggression toward oneself or others and a lack of response to regular educational intervention;
- (b) high frequency of persistent inattention to academic or social tasks associated with regular classroom performance; and
- (c) persistent withdrawal from peer or adult interactions associated with the expected social development in a regular educational environment.

"Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations. The term includes but is not limited to such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, mental retardation, or environmental, cultural, or economic disadvantages.

"Speech/Language impaired" means a communication disorder such as stuttering, impaired articulation, or a language or voice impairment which adversely affects a child's interpersonal relationships or educational performance.

"Visually handicapped" means a visual impairment which, after correction, adversely affects a child's educational performance. The term includes both partially seeing and blind children.

20-7-402. CONDUCT OF SPECIAL EDUCATION TO COMPLY WITH BOARD OF PUBLIC EDUCATION POLICIES. The conduct of special education programs shall comply with the policies recommended by the superintendent of public instruction and adopted by the board of public education. The policies shall assure and include, but are not limited to:

- (a) placement of handicapped children in the least restrictive alternative setting;
- (b) due process for all handicapped children;
- (c) use of child study teams to identify handicapped children and use of instructional teams to plan individual education programs;

- (d) comprehensive evaluation for each handicapped child; and
- (e) other policies needed to assure a free and appropriate public education.

20-7-403. DUTIES OF SUPERINTENDENT OF PUBLIC INSTRUCTION.

The superintendent of public instruction shall supervise and coordinate the conduct of special education in the state by:

- (1) recommending to the board of public education for adoption of those policies necessary to establish a planned and coordinated program of special education in the state;
- (2) administering the policies adopted by the board of public education;
- (3) certifying special education teachers on the basis of the special qualifications for such teachers as prescribed by the board of public education;
- (4) establishing procedures to be used by school district personnel in identifying handicapped children;
- (5) recommending to districts the type of special education class or program needed to serve the handicapped children of the districts and preparing appropriate guides for developing individual education programs;
- (6) seeking for local districts appropriate interdisciplinary assistance from public and private agencies in diagnosing the special education needs of children, in planning programs, and in admitting and discharging children from such programs;
- (7) assisting local school districts, institutions, and other agencies in developing full-service programs for all handicapped children;
- (8) approving, as they are proposed and annually thereafter, those special education classes or programs which comply with the laws of the state of Montana, policies of the board of public education, and the regulations of the superintendent of public instruction;
- (9) providing technical assistance to district superintendents, principals, teachers and trustees;
- (10) conducting conferences, offering advice and otherwise cooperating with parents and other interested persons;
- (11) acting as the coordinating agency with federal agencies, other state agencies, political subdivisions of the state, and private bodies on matters concerning special education, reserving to the other agencies and political subdivisions their full responsibilities for other aspects of the care of children needing special education; and
- (12) administering regional special education services for children in need of special education in accordance with policies of the board of public education.

(New Revised Codes of Montana section that read as follows)

Regional special education services. (1) There is established a regional special education services program to provide special

education services to handicapped children who cannot efficiently be served by a program operated by an individual school district or by several cooperating school districts. Regional special education services shall be limited to:

- (a) providing direct services to handicapped children who are not adequately served by a district program;
- (b) initiating special services for handicapped children as a service model which may then be continued as an individual district or cooperative district program.
- (c) coordinating and conducting inservice training for special education and local district or cooperative district programs.

(2) Funds for such services shall be appropriated to the superintendent of public instruction from state equalization funds and shall be available to support regional special education programs and services. Such funds may be supplemented by appropriate federal funds. The authorization for regional special education services for children expires on June 30, 1980.

20-7-404. COOPERATION OF STATE AGENCIES. The state department of health, the department of institutions, the department of social and rehabilitation services, and the state school for the deaf and blind shall cooperate with the superintendent of public instruction in assisting school districts in discovering children in need of special education. Nothing herein shall be construed to interfere with the purpose and function of these state agencies.

20-7-411. ESTABLISHMENT OF SPECIAL EDUCATION PROGRAM. All handicapped children in Montana are entitled to a free appropriate public education provided in the least restrictive alternative setting. To the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, shall be educated with children who are not handicapped. Separate schooling environment may occur only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. After September 1, 1977, the board of trustees of every school district must provide or establish and maintain a special education program for every handicapped person as herein defined between the ages of 6 and 18, inclusive. After September 1, 1980, such services shall be provided for all handicapped children between the ages of 3 and 21, inclusive.

The board of trustees of any school district may meet its obligation to serve handicapped persons by establishing its own special education program, by establishing a cooperative special education program, or by participating in a regional services program.

20-7-412. ESTABLISHMENT OF INDIVIDUAL DISTRICT SPECIAL EDUCATION PROGRAM. (1) The trustees of any district, upon obtaining the approval of the superintendent of public instruction shall es-

establish and maintain a special education program whenever, in the judgement of the trustees and the superintendent of public instruction:

- (a) there are sufficient numbers of handicapped children in the district to justify the establishment of a program;
 - or
 - (b) an individual child requires special education services such as home or hospital tutoring, school-to-home telephone communication, or other individual programs.
- (2) Prior to September 1, 1980, programs may be established for handicapped children ages 3 through 5 and after September 1, 1980, children ages 0 through 2 may be provided service when the superintendent of public instruction and the trustees have determined that such programs will:
- (a) assist a child to achieve levels of competence that will enable him to participate in the regular instruction of the district when he could not participate without special education;
 - (b) permit the conservation or early acquisition of skills which will provide the child with an equal opportunity to participate in the regular instruction of the district;
 - or
 - (c) provide other demonstrated educational advantages which will materially benefit the child.
- (3) Prior to September 1, 1980, programs may be established for handicapped persons between the ages of 18 and 21 inclusive when the superintendent of public instruction and the trustees have determined that such programs will contribute to the educational development of those persons.
- (4) When an agency which has responsibility for a handicapped person over 21 but not more than 25, inclusive, cannot provide appropriate services to that person, the agency may contract with the local school district to provide such service.

20-7-413. PETITION OF PARENTS FOR ESTABLISHMENT OF SPECIAL EDUCATION PROGRAM. The parents of persons requiring special education may petition the board of trustees to establish an individual district special education program. Parents residing in several districts may petition the board of trustees of each district to cooperatively establish a special education program. The inter-local cooperative agreement authorized in chapter 11 of Title 7, Part 1, may be used to establish a multi-district special education program.

20-7-421. ARRANGING ATTENDANCE IN ANOTHER DISTRICT IN LIEU OF A SPECIAL EDUCATION PROGRAM. With the approval of the superintendent of public instruction, the trustees may arrange for the attendance of a child in need of special education in a special education program in another district within the state of Montana. Arrangements for the attendance of a child in need of special education are not

subject to the laws governing the attendance of pupils in schools outside the district and no tuition shall be charged the district of residence. However, tuition as required under 20-5-303, may be charged for children who are not considered full-time special education pupils as defined in 20-9-311.

20-7-422. OUT-OF-STATE TUITION FOR SPECIAL EDUCATION CHILDREN. If the trustees of any district recommend to the superintendent of public instruction the attendance of a child in need of special education in a special education program offered outside of the state of Montana, such arrangements shall not be subject to the out-of-state attendance provisions of the laws governing the attendance of pupils in schools outside the state of Montana.

Whenever the attendance of a child at an out-of-state special education program is approved by the superintendent of public instruction, it shall be the responsibility of the superintendent of public instruction, in cooperation with the department of social and rehabilitation services and the department of institutions, to negotiate the program for the child and the amount and manner of payment of tuition. The amount of tuition shall be included as a contracted service in 20-7-431(1)(6)(iv)(A) in the maximum-budget-without-a-vote for special education.

20-7-423. ARRANGING ATTENDANCE IN A PRIVATE INSTITUTION. Whenever the trustees determine that a handicapped child is in need of services that can only be provided by a private institution and the superintendent of public instruction so approves, the board of trustees may negotiate the amount and manner of payment of tuition and it shall be included as a contracted service as allowed in 20-7-431(1)(b)(iv)(A).

20-7-424. NO TUITION WHEN ATTENDING A STATE INSTITUTION. When a child is attending an institution supported solely by funds of the state of Montana, the resident district or county shall not be required to pay tuition to the state institution for such child, but whenever at the recommendation of the institution officials such child attends classes conducted by a school within a local district, the district or county, whenever is applicable, wherein the parent or guardian of the child maintain legal residence shall pay tuition to the district or county operating the school in accordance with the provisions of 20-5-305 or 20-7-421, whichever section applies to the circumstances of the child. Transportation payments shall be made for students enrolled in such classes or receiving training, including summer sessions, at the state institution. The schedule of transportation payments shall be approved in accordance with existing special education transportation payment schedules and shall be approved by the county transportation committee and the superintendent of public instruction.

History: En. 75-7810 by Sec. 428, Ch.5, L. 1971; amd. Sec. 1, Chr. 282, L. 1971; amd. Sec. 1, Ch. 45 L. 1973; amd. Sec. 7, Ch. 91, L. 1973.

20-7-414. DETERMINATION OF NEED FOR SPECIAL EDUCATION BY TRUSTEES AND APPROVAL OF CLASSES AND PROGRAMS BY SUPERINTENDENT OF PUBLIC INSTRUCTION. The determination of the children requiring special education and the type of special education needed by these children shall be the responsibility of the trustees, and such determination shall be made in compliance with the procedures established in the rules of the superintendent of public instruction. Whenever the trustees of any district intend to establish a special education class or program, they shall apply for approval and funding of the class or program by the superintendent of public instruction. The superintendent of public instruction shall approve or disapprove the application for the special education class or program on the basis of its compliance with the laws of the state of Montana, the special education policies adopted by the board of public education, and the rules of the superintendent of public instruction. Each special education class or program must be approved annually to be funded as part of the maximum-budget-without-a-vote for special education.

75-7812. Repealed.

75-7813. Repealed.

Sec. 75-7813 (Sec. 431, Ch. 5 L. 1971), relating to financial assistance for operation of a special education class or program, was repealed by Sec. 2, Ch. 344, Laws 1974.

20-7-431. ALLOWABLE COST SCHEDULE FOR SPECIAL PROGRAMS -- THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO MAKE RULES -- ANNUAL ACCOUNTING. (1) For the purpose of determining the maximum-budget-without-a-vote for special education as defined in section 20-9-321, the following schedule of allowable costs shall be followed by the school district in preparation of its special education budget for state aid request purposes and by the superintendent of public instruction in his/her review and approval of the budget (for the purposes of determining the amount of maximum-budget-without-a-vote for special education for the district, and as used in this schedule, "full-time special pupil" and "regular ANB" are to be determined in accordance with 20-9-311 and 20-9-313):

(a) Administration: salaries, benefits, supplies and other expenses of the superintendent's office, the office of the board of trustees, and the business office, including:

(i) salaries of professional administrative personnel--a portion of the entire cost corresponding to the portion of entire working time which each such person devotes to the special program;

(ii) salaries of clerical personnel for administering staff--the amount allowed for budget purposes per full-time special pupil may not exceed the amount budgeted per regular ANB for the current year;

(iii) supplies and other expenses--the amount allowed for budget purposes per full-time special pupil may not exceed the amount budgeted per regular ANB for the current year.

(b) Instruction; salaries, benefits, supplies, textbooks and other expenses including:

(i) salaries of principals and clerical personnel--a portion of the entire cost corresponding to the portion of the entire working time which each person devotes to the special program but not to exceed one and seventy-five hundredths (1.75) times the amount budgeted per regular ANB for the current year;

(ii) salaries and benefits of special program teachers, regular program teachers, teacher aides, special education supervisors, audiologists, and speech and hearing clinicians--the entire cost if employed full-time in the special program. If such personnel are shared between special and regular programs, a portion of the entire cost corresponding to the entire working time which each such person devotes to the special program.

(iii) teaching supplies and textbooks--if used exclusively for special programs, the actual total cost. If shared with regular programs--the amount allowed for budget purposes per full-time special pupil may not exceed the amount budgeted per regular ANB for the current year;

(iv) other expenses--with the exception of the following items, the amount allowed for budget purposes per full-time special pupil may not exceed the amount budgeted per regular ANB for the current year.

(a) Contracted services, including fees paid for professional advice and consultation regarding special students or the special program, and the delivery of special education services by public or private agencies--the actual total cost.

(b) Transportation costs for special education personnel who must travel on an itinerant basis from school to school or district to district--the actual cost to the district calculated on the same mileage rate used by the district for other travel reimbursement purposes.

(c) Library services; salaries, books and periodicals and other expenses--the amount allowed for budget purposes per full-time special pupil may not exceed the amount budgeted per regular ANB for the current year.

(d) Supportive services; salaries, benefits and other expenses:

(i) salaries and benefits of professional supportive personnel--the entire cost if employed full-time in the special program. If such personnel are shared between special and regular programs--a portion of the entire cost corresponding to the entire working time which each such person devotes to the special program.

Professional supportive personnel may include counselors, social workers, psychologists, psychometrists, physicians, nurses, and physical and occupational therapists.

(ii) salaries and benefits of clerical personnel for professional personnel in supportive services--the entire cost if employed full-time in the special program. If such personnel are shared between special and regular programs--a portion of the entire cost corresponding to the entire working time which each such person devotes to the special program;

(iii) Other expenses--the amount allowed for budget purposes per full-time special pupil may not exceed the amount budgeted per regular ANB for the current year.

(e) Operation of plant; salaries, benefits, heat for buildings, utilities except heating, and other supplies and expenses--the superintendent of public instruction shall make regulations fixing a ratio for operation spending per full-time special pupil to such spending per current year's regular ANB. The proration shall be based on the ratio between the number of special pupils per class and the number of regular pupils per class and any other relevant factors.

(f) Maintenance of plant; salaries, benefits, replacements and parts, contracted service--the superintendent of public instruction shall make regulations fixing a ratio for maintenance spending per full-time special pupil to such spending per current year's regular ANB. The proration shall be based on the ratio between the number of special pupils per class and the number of regular pupils per class and any other relevant factors.

(g) School food services--the amount allowed for budget purposes per full-time special pupil may not exceed the amount budgeted per regular ANB for the current year.

(h) Student body and auxiliary services; salaries and other expenses--the amount allowed for budget purposes per full-time special pupil may not exceed the amount budgeted per regular ANB for the current year.

(i) Other current charges; insurance, rental of land and buildings, and other expenses.

(i) rental of land and buildings, when such premises meet all requirements of the board of public education and the department of health and environmental sciences--no such costs may be charged to the special program without specific authorization from the superintendent of public instruction unless the land and buildings are shared between the

special and regular pupils, and the amount of the total cost that may be charged to the special program may not exceed whatever proportion the number of special full-time pupils are to the total enrollment of the school district of the previous year. Provided, however, that any school district renting land and buildings for special education purposes prior to the 1974-75 school year is not subject to this requirement, and will charge a portion of the total cost when shared with regular programs, to be prorated based on the amount of building space used by each type of program;

(ii) insurance--the superintendent of public instruction shall make regulations fixing a ratio for insurance spending per full-time special pupil to such spending per current year's regular ANB. The proration shall be based on the ratio between the number of special pupils per class and the number of regular pupils per class and any other relevant factors;

(iii) all other expenses--the amount allowed for budget purposes per full-time special pupil for a school year may not exceed the amount budgeted per regular ANB for the current school year.

(j) Capital outlay; remodeling and improvements, equipment and other:

(i) classroom remodeling and improvements for a program for handicapped students who need special facilities--the actual total cost; all other remodeling and improvements--the amount allowed for budget purposes per full-time special pupil for a school year may not exceed the amount budgeted per regular ANB for the current school year; transport special students that portion of the contract price attributable to the cost of special equipment or personnel required to accomodate special students--the actual special cost.

(v) Other--the amount allowed for budget purposes may not exceed the amount budgeted per regular ANB for the current year.

(k) Room and Board costs when the special pupil has to attend a program at such a distance from his home that commuting is undesirable as determined by the superintendent of public instruction.

(2) The superintendent of public instruction shall, prior to September 1, 1977, revise the rules and regulations, in accordance with policies of the board of public education, for:

(a) keeping necessary records for supportive and administrative personnel and any other personnel shared between special and regular programs;

(b) defining the total special program caseload that shall be assigned to specific support persons and the kinds of professional specialties to be considered relevant to the program before the district may count an allowable cost under subsection (1)(d) of this section;

(c) defining the kinds or types of equipment whose costs may be counted under subsections (1)(j)(ii) of this section; and

(d) prescribing formulas for calculating the portion of operation and maintenance costs, insurance, building and rental costs properly allocable to the special programs, as prescribed by subsections (1)(e), (1)(f), (1)(i)(i), and (1)(i)(ii) of this section.

(3) An annual accounting of all expenditures of school district general fund monies for special education shall be made by the district trustees on forms furnished by the superintendent of public instruction. The superintendent of public instruction shall make rules for such accounting.

(4) If a board of trustees chooses to exceed the budget approved by the superintendent of public instruction, costs in excess of the approved budget may not be reimbursed under the maximum-budget-without-a-vote for special education.

20-7-441. SPECIAL EDUCATION CHILD ELIGIBILITY FOR TRANSPORTATION. With the approval of the superintendent of public instruction, any special education child shall be eligible for transportation which shall be provided by the resident district when:

(1) he is enrolled in a special education class or program operated by the district of such child's residence;

(2) he is enrolled in a special education class or program operated by a Montana district other than the child's residence district;

(3) he is enrolled under an approved tuition agreement in a special education class or program operated outside the state of Montana; or

(4) he is enrolled under an approved tuition agreement in a private institution.

20-7-442. STATE TRANSPORTATION REIMBURSEMENT FOR SPECIAL EDUCATION CHILDREN. Districts providing children with transportation to a special education class or program and complying with the special education transportation regulations promulgated by the superintendent of public instruction shall be eligible for a transportation reimbursement. The reimbursement shall be calculated from a schedule established by the superintendent of public instruction with the state providing two-thirds (2/3) of the reimbursement and the county in which the children reside providing the remainder.

History: En. 75-7815 by Sec. 433, Chr. 5, L. 1971.

20-7-443. FINANCIAL ASSISTANCE FOR UNDER-SIX YEAR-OLD SPECIAL EDUCATION CLASS OR PROGRAM. Any district operating an approved special education class or program for children under the age of 6 years shall be eligible for financial assistance in accordance with 20-7-431 and for transportation reimbursement under 20-7-442.

B. BOARD OF PUBLIC EDUCATION POLICY STATEMENT

The board's policy statement regarding special education services is cited below. This policy was adopted April 24, 1978.

(1) On April 24, 1978, the Board of Public Education proposes to amend ARM Rule 48-2.18(1)-S1800, Board of Public Education policy statement on special education.

(2) The rule as proposed to be amended provides as follows:
48-2.18(1)-1800 BOARD OF PUBLIC EDUCATION POLICY STATEMENT.

(1) the Board's policy statement regarding special education services is cited below:

(a) It shall be the policy of the Board of Public Education to foster the development of special education services for all handicapped children with the opportunity to become confident, dignified, and self-sufficient members of society. To accomplish this goal, handicapped children are to be educated with non-handicapped children in the district in which they live. A child may be removed from the regular education program only when documentation shows that the child cannot be educated in the regular program. The regional services program is to provide special education services to handicapped children who cannot efficiently be served by a program operated by an individual school district or by several cooperating school districts. Regardless of where a child receives educational services, the district where the child lives is responsible for the educational program of the child.

(b) Special education services shall include the provision of due process to ensure the rights of handicapped children. The goal of due process is to prevent harm to children, parents and society. Due process shall include protections regarding the following:

- (i) identification of handicap,
- (ii) development of education program
- (iii) placement with the education program and
- (iv) annual review of education program and placement.

(c) In order that a free, appropriate, public education be provided all children, all persons who can assist in identifying the handicap and determine services to meet the needs of a child shall participate in the placement process.

Child study teams shall be used to identify handicapped children, and instructional teams shall be used to plan individual education programs. Parents shall be involved in the child study team process and shall be included in the development of the individual education plan.

To assure correct identification of handicaps and proper educational placement, children shall have the opportunity for a comprehensive evaluation. This evaluation shall include educational, psychological, medical and other relevant testing which is tailored to assess specific areas of educational need

for all referred children. Tests are to be selected and administered so as best to ensure the results reflect accurately the child's true educational status. If any question exists that an evaluation is inaccurate, a child is entitled to an outside independent evaluation.

(d) The superintendent of public instruction will report to the Board of Public Education each December the number of special education programs in the state, number of students enrolled in the programs, and the total budget costs anticipated for the programs for the current school year.

C. RESPONSIBILITIES OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION

The conduct of special education in the public schools must comply with the policies recommended by the superintendent of public instruction and adopted by the board of public education.

(1) Policy statements in 20-7-403 and 20-7-404 apply to all state agencies.

(2) State law 20-7-401 includes all handicapped children as defined in P.L. 94 142.

(3) The policy on priorities of the office of public instruction state first priority is unserved handicapped children; second, handicapped children, within each disability, with most severe handicaps, who are receiving inadequate education.

(4) By September 1, 1977, all handicapped children between the ages of 6 and 18 inclusive will have a free appropriate public education. (20-7-405)

D. PROCEDURES TO IMPLEMENT RIGHT TO EDUCATION POLICY

Sections 20-7-402, 20-7-403, and 20-7-404 describe the procedures employed to promulgate standards for compliance by LEAs and other agencies which educate handicapped children.

E. MONTANA RULES AND REGULATIONS REGARDING STATE ADVISORY SPECIAL EDUCATION PANEL

Effective October, 1977, the superintendent of public instruction established a state advisory panel of thirty-four (34) persons. The membership included at least one person representative of each of the following groups.

- (a) Handicapped individuals
- (b) Teachers of handicapped children
- (c) Parents of handicapped children
- (d) State and local education officials
- (e) Special education program administrators
- (f) General school administrators
- (g) Legislators (two)

The superintendent of public instruction appoints persons to the state advisory panel for three years staggered appointments with reappointments and/or new appointments being made annually each July 1. When a vacancy occurs during the year, a new appointment may be made by the superintendent of public instruction to serve for the remainder of the year.

Members of the state advisory panel are reimbursed for travel expenses and per diem at state established rates for attendance at meetings. The panel meets quarterly at the call of the superintendent of public instruction.

The role and function of the state advisory panel are set forth below.

1. Advise the superintendent of public instruction of un-met needs within the state in the education of handicapped children.
2. Comment publicly on any rules or regulations proposed for issuance by the state regarding the education of handicapped children and the procedures for distribution of funds under Public Law 94-142.
3. Assist the superintendent of public instruction in developing and reporting such data and evaluations as may assist the U. S. Commissioner of Education in the performance of responsibilities under Section 616, Public Law 94-142.

(a) By July 1 of each year, the advisory panel shall submit an annual report of panel activities and suggestions to the state educational agency. This report is made available to the public in a manner consistent with other public reporting requirements under this part.

(b) Official minutes must be kept on all panel meetings and shall be made available to the public on request.

(c) All advisory panel meeting and agenda items are publicly announced prior to the meeting and meetings must be open to the public.

4. Assist the superintendent of public instruction in other ways as requested by the state superintendent and determined by the advisory panel.

III. FULL EDUCATIONAL OPPORTUNITIES GOALS AND TIMELINES

- A. STATE LAW: (Title 20, Chapter 7, Section 401 of Montana Code Annotated)

20-7-411. ESTABLISHMENT OF SPECIAL EDUCATION PROGRAM. All handicapped children in Montana are entitled to a free appropriate public education provided in the least restrictive alternative setting. To the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, shall be educated with children who are not handicapped. Separate schooling or other removal of handicapped children from the regular educational environment may occur only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. After September 1, 1977, the board of trustees of every school district must provide or establish and maintain a special education program for every handicapped person as herein defined between the ages of 6 and 18, inclusive.

After September 1, 1980, such services shall be provided for all handicapped children between the ages of 3 and 21, inclusive.

The board of trustees of any school district may meet its obligation to serve handicapped persons by establishing its own special education program, by establishing a cooperative special education program, or by participating in a regional services program.

20-7-412. ESTABLISHMENT OF INDIVIDUAL DISTRICT SPECIAL EDUCATION PROGRAM. (1) The trustees of any district, upon obtaining the approval of the superintendent of public instruction, shall establish and maintain a special education program whenever, in the judgement of the trustees and the superintendent of public instruction:

- (a) there are sufficient numbers of handicapped children in the district to justify the establishment of a program, or
- (b) an individual child requires special education services such as home or hospital tutoring, school-to-home telephone communication, or other individual programs.

(2) Prior to September 1, 1980, programs may be established for handicapped children ages 3 through 5 and after September 1, 1980, children ages 0 through 2 may be provided service when the superintendent of public instruction and the trustees have determined that such program will:

- (a) assist a child to achieve levels of competence that will enable him to participate in the regular instruction of the district when he could not participate without special education;
- (b) permit the conservation of early acquisition of skills which will provide the child with an equal opportunity to participate in the regular instruction of the district; or
- (c) provide other demonstrated educational advantages which will materially benefit the child.

(3) Prior to September 1, 1980, programs may be established for handicapped persons between the ages of 18 and 21 inclusive when the superintendent of public instruction and the trustees have determined that such programs will contribute to the educational development of those persons.

(4) When an agency which has responsibility for a handicapped person over 21 but not more than 25, inclusive, cannot provide appropriate services to that person, the agency may contract with the local school district to provide such services.

B. TIMETABLE, TABLE 1:

The full educational opportunity goal timelines are outlined in Table 1. Full services shall be made available to preschool and post-secondary handicapped children by September 1, 1980. Percentages included in the table prior to that date in those age groups are estimates.

TABLE 1. - DETAILED TIMETABLE*

TABLE 1. - DETAILED TIMETABLE*										DATE		NAME OF STATE	
Show the percent (%) of the State's population of handicapped children expected to be receiving full educational opportunities in each school year. In the appropriate cells, estimate the year you expect all children to be provided full educational opportunities (full service).										April 1979		MONTANA	
HANDICAPPING CONDITIONS	A. AGES 3 THRU 5			B. AGES 6 THRU 17			C. AGES 18 THRU 21					ESTIMATE YEAR* OF FULL SERVICE	D. AGES 0 THRU 2 ESTIMATE THE YEAR FULL SERVICES ARE EXPECTED TO BE REACHED. SCHOOL YEAR NON-CATEGORIAL
	SCHOOL YEAR 1977-78(%)	SCHOOL YEAR 1978-79(%)	ESTIMATE YEAR OF FULL SERVICE	SCHOOL YEAR 1977-78(%)	SCHOOL YEAR 1978-79(%)	SCHOOL YEAR 1978-79(%)	SCHOOL YEAR 1977-78(%)	SCHOOL YEAR 1978-79(%)	SCHOOL YEAR 1978-79(%)	SCHOOL YEAR 1978-79(%)			
a. Mentally Retarded	75%	80%	1980	100%	100%	100%	50%	55%	60%	100%	1980	1985	
b. Hard of Hearing	50%	55%	1980	100%	100%	100%	20%	30%	35%	100%	1980		
c. Deaf	100%	100%	1980	100%	100%	100%	0%	5%	10%	100%	1980		
d. Speech Impaired	50%	55%	1980	100%	100%	100%	70%	80%	80%	100%	1980		
e. Visually Handicapped	90%	55%	1980	100%	100%	100%	60%	65%	70%	100%	1980		
f. Seriously Emotionally Disturbed	20%	30%	1980	100%	100%	100%	60%	70%	75%	100%	1980		
g. Orthopedically Impaired	50%	60%	1980	100%	100%	100%	65%	70%	80%	100%	1980		
h. Health Impaired	10%	50%	1980	100%	100%	100%	80%	80%	85%	100%	1980		
i. Specific Learning Disability	5%	10%	1980	100%	100%	100%	60%	65%	70%	100%	1980		

*If these requirements are inconsistent with your State law, or practice, estimate the year you expect to reach full services in these areas.

* Estimate of special education population being served.

- C. STATE PERSONNEL SUMMARY SHEET;
Tables 2A, 2B and 2C have been revised for FY 1979 and are included
as follows:

TABLE 2A. - STATE PERSONNEL SUMMARY OF ACTUAL NUMBER OF PERSONNEL EMPLOYED DURING THE 1977-78 SCHOOL YEAR FOR SERVICES TO THE 0-21 AGE HANDICAPPED POPULATION

PERSONNEL	(A)									
	MANDATED SCHOOL AGE IN THE STATE OF Montana									
	FOR SCHOOL YEAR 1978-79									
	TOTAL (Sum of column b thru p)	MENTALLY RETARDED (b)	HARD OF HEARING (c)	DEAF (d)	SPEECH IMPAIRED (e)	VISUALLY HANDI- CAPPED (f)	SERIOUSLY EMOTION- ALLY DISTURBED (g)	ORTHO- PEDICALLY IMPAIRED (h)	HEALTH IMPAIRED (i)	SPECIFIC LEARNING DISABILITIES (j)
1. Teachers of Special Classes	277	246	16	-----	-----	1	-----	13	1	-----
2. Resource Room Teachers	491						44			442
3. Itinerant/Consulting Teachers	198				198					
4. Psychologist	66									
5. School Social Workers	6									
6. Occupational Therapists	1									
7. Home-Hospital Teachers	14									
8. Speech Pathologists	Included in no. 3									
9. Audiologists	9									
10. Teacher Aides	135									
11. Vocational Education Teachers	2									
12. Work-Study Coordinators	-----									
13. Physical Education Teachers	-----									
14. Recreation Therapists	-----									
15. Diagnostic Staff	-----									
16. Supervisors	43									
17. Other Non-Instructional Staff	-----									
18. TOTAL PERSONNEL	1243									

TABLE 28. -- STATE PERSONNEL SUMMARY OF PROJECTED NUMBER OF PERSONNEL NEEDED TO MEET THE FULL EDUCATIONAL OPPORTUNITIES GOAL DURING THE 1978-79 SCHOOL YEAR FOR SERVICES TO THE 0-21 AGE HANDICAPPED POPULATION

MANDATED SCHOOL AGE IN THE STATE
MONTANA

PERSONNEL	TOTAL (Sum of Column 2)	MENTALLY RETARDED (b)	HARD OF HEARING (b)	DEAF (d)	SPEECH IMPAIRED (c)	VISUALLY HANDI- CAPPED (f)	SEVERELY EMOTION- ALLY DISTURBED (g)	ORTHO- PEDICALLY IMPAIRED (h)	HEALTH IMPAIRED (i)	SPECIFIC LEARNING DISABILITIES (j)
1. Teachers of Special Classes	216.0	311	3	2	150	5	66	53	28	662
2. Resource Room Teachers	400.9	895	57	7	200	35	183	57	76.9	1812
3. Itinerant/Consulting Teachers	11.0	25	0	0	12	1	52	5	2	50
4. Psychologist	75.6									
5. School Social Workers	5.9									
6. Occupational Therapists	3.0									
7. Physical Therapists	6.8									
8. Speech Therapists	139.3									
9. Audiologists	6.8									
10. Paraprofessionals	224.1									
11. Volunteer Teachers	1.0									
12. Work Study Teachers	9.3									
13. Instructional Aides	7.0									
14. Rehabilitation	1.0									
15. Diagnostic Staff	0									
16. Support Staff	39.4									
17. Other Non-Instructional Staff	15.0									
18. TOTAL PERSONNEL	1162.1									

TABLE 2C - STATE PERSONNEL SUMMARY OF PROJECTED NUMBER OF PERSONNEL NEEDED TO MEET THE FULL EDUCATIONAL OPPORTUNITIES GOAL DURING THE 1979-80 SCHOOL YEAR FOR SERVICES TO THE 0-21 AGE HANDICAPPED POPULATION											(A) MANDATED SCHOOL AGE IN THE STATE Montana			
PERSONNEL	TOTAL (Sum of columns b-j) (a)	MENTALLY RETARDED (b)	HARD OF HEARING (c)	DEAF (d)	SPEECH IMPAIRED (e)	VISUALLY HANDI- CAPPED (f)	SERIOUSLY EMOTION- ALLY DISTURBED (g)	ORTHO- PEDICALLY IMPAIRED (h)	HEALTH IMPAIRED (i)	SPECIFIC LEARNING DISABILITIES (j)				
											FOR SCHOOL YEAR 1978-79			
1. Teachers of Special Classes	254.3	326	3	2	155	5	68	57	27	662				
2. Resource Room Teachers	453.6	915	56	7	195	36	186	60	78	1849				
3. Itinerant/Consulting Teachers	35.1	26	0	0	7	2	53	4	2	57				
4. Psychologist	95.6													
5. School Social Workers	5.4													
6. Occupational Therapists	3.0													
7. Home-Hospital Teachers	12.3													
8. Speech Pathologists	161.7													
9. Audiologists	11.0													
10. Teacher Aides	312.8													
11. Vocational Education Teachers	9.6													
12. Work-Study Coordinators	9.0													
13. Physical Education Teachers	9.3													
14. Recreation Therapists	1.0													
15. Diagnostic Staff	0													
16. Supervisors	52.4													
17. Other Non-Instructional Staff	5.9													
18. TOTAL PERSONNEL														

D. DATA REQUIREMENTS:

An update of Table 3 for information from school year 1977-78 is included as follows:

TABLE 3. – CHILDREN SERVED AND SERVICE NEEDS IN PRIORITY AREAS

1977-78									
HANDICAPPING CONDITIONS	RECEIVING AN EDUCATION WHICH MEETS ALL EDUCATIONAL NEEDS ⁽¹⁾			1ST PRIORITY NOT RECEIVING AN EDUCATION ** ⁽²⁾			2ND PRIORITY, SEVERELY HANDICAPPED BEING EDUCATED, BUT REQUIRING ADDITIONAL SPECIAL EDUCATION AND RELATED SERVICES ⁽³⁾		
	3 thru 5	6 thru 17	18 thru 21	3 thru 5	6 thru 17	18 thru 21	3 thru 5	6 thru 17	18 thru 21
Mentally Retarded	58	1087	215	14	0	107	4	0	12
Hard of Hearing	9	149	8	2	0	4	0	0	0
Deaf	3	2	0	1	0	0	0	0	0
Speech Impaired	619	2494	23	154	0	11	10	0	0
Visually Handicapped	5	32	1	1	0	0	0	0	0
Seriously Emotionally Disturbed	10	330	6	2	0	3	0	0	0
Orthopedically Impaired	17	108	1	3	0	0	0	0	0
Health Impaired	5	73	1	1	0	0	0	0	0
Specific Learning Disabilities	36	3853	121	9	0	60	2	0	4
TOTAL	762	8728	376	186	0	185	16	0	16

* (1) - Include only handicapped children who are having all of their educational needs met.

*3) - Include those handicapped children who are not having all of their educational needs met.

** Based on estimated percent in program.

E. METHODS OF MEETING FACILITIES, PERSONNEL, AND SERVICE NEEDS.

The Montana Special Education Rules and Regulations require that the facilities, equipment and space required to support special education services must be provided. Additionally, the provision of adequate services and personnel is required under state law.

The state education agency insures that these provisions are afforded handicapped children by:

1. Monitoring through on-site visitations to local education agencies,
2. Annually reviewing local education agency budgets, and
3. Providing needed Inservice training.

For a detailed overview of the on-site monitoring activities, please refer to Section XVI. B. of this plan.

Since Montana currently affords local education agencies 100 per cent state funding of special education programs, local education agency budgets must be submitted and approved by the state education agency. This approval process, of course, provides control and information to the state education agency regarding service and personnel needs in the local education agencies.

Inservice training is also provided to local education agencies as needed. These service needs are determined by Needs Assessment Surveys in addition to local education agency budget requests each year.

IV. POLICY ON PRIORITIES

A. GENERAL REQUIREMENT: STATE SUPERINTENDENT'S POLICY FOR MEETING PRIORITIES

(1) First priority is to unserved school-age handicapped children ages 6 through 18 in each handicapping category served from most to least severe. (September 1, 1977)

(2) Second priority is to underserved school-age handicapped pupils 6 through 18 (September 1, 1977).

B. PROGRAMS, SERVICES AND ACTIVITIES

State and Local Programs

Special education service delivery patterns vary extensively throughout Montana. The larger urban school districts tend to have more elaborate and extensive services available within and as a part of school systems themselves. The more rural districts in the state must rely heavily on itinerant consultative and contract-type services to meet the needs of handicapped school children. All districts have available to them direct and support services such as 1) screening and identification, 2) evaluation, 3) resource room instruction, 4) self-contained classes, 5) speech therapy, 6) occupational therapy, 7) transportation, and 8) counseling. Rural districts have special education teachers in district, but must generally contract either with private corporations (Easter Seal for example) or private individuals in order that other services such as speech therapy, physical therapy, etc. be afforded handicapped children in their area. Cooperatives are fast becoming a viable service delivery method for the rural districts. While these are presently in the formative stage of development, cooperatives appear to be a highly effective approach to providing special educational services to the handicapped in rural Montana.

Historically, funding for special education services has been provided exclusively with state dollars. The local contributions to date have included only the provision of buildings and classrooms. All direct, indirect and support services for special education in Montana are provided with state monies. Budgeted dollar figures for school years 1977-78 and 1978-79 were \$25,796,566 and \$29,740,640 respectively. Regional resource centers, a system developed by the legislature consisting of eleven area offices for special education services to rural districts, accounted for \$1,500,000 dollars for each of these school years. As of September 1980, the regional service centers will no longer be continued. Hence, an increased trend by rural districts toward the formation of cooperatives has become apparent.

Federal EHA-B Programs

Presently the state's portion of EHA-B monies for FY'78 totals \$367,641. Administrative costs for the state education agency operation total

\$200,000 and are discussed in detail in Section XVII. Description of Use of Part B Funds. The remaining FY'78 dollars under Part B (\$167,641) have been or are to be used as follows:

1. SEA Child Find: \$50,000
Includes the production, printing and dissemination of parent awareness materials regarding special education services, due process, etc. in Montana.
2. Transportation: \$30,000
These monies are used to supplement and "fill gaps" of state funds used for transportation. Maximum allowable costs under state law restrict the payment of full costs for transporting students.
3. Intermediate Unit for Emotionally Disturbed Children: \$50,000
These monies are to be used in an interagency effort to develop a facility for intermediate care of ED children. Educational dollars will be used to hire teachers, materials, etc. for the operation of the school portion of the facility. The Department of Institutions and Social and Rehabilitative Services will contribute comparable amounts.
4. Remaining Dollars:
The remaining \$37,641 dollars of State Part B monies have been or are being flowed-through to local education agencies on a needs basis, extended year programs, unserved children, new services to children in districts that did not generate child count for 1976-77 school year, etc.

A total of \$367,641 was used as local education agency flow-through to serve first and second priority children. These dollars have been committed for the 1978-79 school year.

PROPOSED FEDERAL EHA-B PROGRAMS FOR FY'79

Of Montana's total EHA-B entitlement for FY'79 (\$1,535,000) \$1,151,250 will flow-through to local education agencies to supplement state and local contributions to serve first and second priority handicapped children in the 1979-80 school year.

Of the state's portion (\$383,750) \$200,000 will be used for state education agency administration costs and the remaining \$183,750 shall be used as follows:

1. SEA Child Find Campaign \$50,000
Continue efforts of FY'78.
2. Transportation: \$50,000
Continue support of State's transportation costs
3. Technical Assistance and Inservice Training \$50,000
to LEAs
4. Provide LEAs with Dollars for First and \$33,750
Second Priority Children

V. CHILD IDENTIFICATION

A. POLICIES AND PROCEDURES

DUTIES OF SUPERINTENDENT OF PUBLIC INSTRUCTION. The superintendent shall supervise the procedures to be used by school district personnel in identifying handicapped children. 20-7-403(4) Montana Codes Annotated.

DISCOVERING THE HANDICAPPED

The following procedures are taken from the Montana Special Education Rules and Regulations:

a. Screening and Referral Process and Child Find

Each school district must screen and develop criteria for further assessment for its students annually to determine potential candidates for special education and report the screening process to the superintendent of public instruction.

Each school district is responsible for developing a referral process. Children and youth who have been or are being considered for retention, delayed admittance, or exclusion from school in the regular program shall be considered as a possible referral to a Child Study Team.

Each school district is responsible for establishing a child find process.

b. Evaluation by the Child Study Team

No child shall receive special education services until a Child Study Team has performed an appropriate comprehensive assessment which yields evidence that the child has learning and/or behavioral problems requiring special education services.

(1) Areas of assessment shall include, when appropriate but not limited to, the following categories:

(a) Scholastic--this area shall include assessment of the intellectual, language and communication, academic and self-help skill status of the child.

(b) Physical--this area shall include a review of general health status of the child, with particular attention to the visual, auditory, musculo-skeletal, neurological and developmental modalities.

(c) Adjustment--this area shall include assessment of the social skills and emotional status of the child.

(2) Assessment results shall be summarized in writing, dated and signed by the individual(s) responsible for conducting the assessments. The report shall be kept with the child's permanent records as required in Standard 161, Standards for Accreditation of Montana Schools.

(3) Summaries shall include procedures and instruments used, results obtained and apparent significance of findings as related to the child's instructional program.

Assessments in each of the areas stated shall take into account, but not be limited to, the age, maturation and cultural background of the child.

Since conditions which cause a child to be handicapped can have the effect of depressing or distorting standardized intelligence and achievement test scores, these scores should not be used as the only criterion in determining a child's need for services. Therefore, a Child Study Team in conjunction with the parents will determine the appropriate educational program for a handicapped child.

Individual tests of mental measurement (I.Q. results) done by an agency may be utilized by a Child Study Team if that agency is recognized by the superintendent of public instruction (i.e., Child Development Center, Mental Health Center, Boulder River State School and Hospital). Psychologists participating on a Child Study Team must be approved by the superintendent of public instruction. When a school psychologist and Child Study Team utilize the test results of another agency or person, that school district assumes responsibility for accuracy of the psychological information.

An evaluation of the child, based on procedures which meet the requirements under Rule 48-2.18(18)-§18290, is conducted every three years or more frequently if conditions warrant or if the child's parents or teacher requests an evaluation.

(c) Composition of a Core Child Study Team

A Child Study Team shall consist of a regular classroom teacher, principal, or designee and the special education

person who may serve the child. Parents shall be afforded the opportunity to participate in the child study process. Generally, school psychologists and speech pathologists will complement any team.

In addition to the required professional members on a particular Child Study Team, utilization of other expertise is recommended and required in many instances. The Child Study Team may determine what other specialties may be needed to complete an appropriate evaluation.

Secondary school Core Child Study Team will require other individuals at the discretion of the parents or agency to accommodate a particular student's needs (i.e., vocational rehabilitation counselor, psychologist, nurse, special needs counselor, etc.).

(d) Child Study Team Process

The comprehensive evaluation refers to a process which involves a group of persons including the parents, who are charged with the responsibility of gathering all of the pertinent data possible regarding an individual child to determine the child is handicapped, what the child's education needs are, and what service options might be best utilized to deliver the services to the child.

The process or procedures that each Child Study Team utilizes to gain the important information relating to a particular child will vary depending on the needs of the child, organization of the agency(s) providing educational services, and unique situations related to availability of resources.

Individual members of each Child Study Team are charged with the responsibility of conducting their part of the evaluation as appropriate to their professional skills and training, and to summarize in writing their evaluation results, identify the instruments or methods used to gain the data, and make recommendations to providing services to the child. They are responsible for using non-discriminatory testing and evaluation procedures as outlined in Rule 48-2.18(14)-S18150. The summary of the evaluation and recommendations are to be filed in the student's educational records, interpreted to parents and made available to the chairperson of the Child Study Team for educational planning.

Once a decision is made by the Child Study Team that a child is handicapped and is not receiving an appropriate education in the present educational program, the dis-

trict has 30 days in which to initiate the appropriate changes in the child's program.

(e) Composition of Specific Child Study Teams

1. Mentally Retarded

In addition to the core team, a school psychologist is a required member of the Child Study Team.

2. Orthopedically Impaired

In addition to the core team, a physician's report and pertinent medical information shall be obtained and utilized in the development of the child's individualized education program.

The Child Study Team shall determine the child's educational needs resulting from the orthopedic handicap including the need for changes in the physical environment, physical therapy and occupational therapy. Physical and occupational therapy are the school's responsibility only if the orthopedic problem interferes with the student's ability to acquire academic and vocational skills. Generally, orthopedically handicapped children should be accommodated in the regular classrooms, unless there is a significant orthopedic handicap.

3. Visually Handicapped

In addition to the core team, a vision consultant should be utilized by the Child Study Team when indicated by the severity of the handicap. The team shall also utilize a current evaluation from an ophthalmologist or optometrist.

The team must develop an appropriate educational program based on a comprehensive team assessment. District and state services should be coordinated to ensure comprehensive services without unnecessary duplication.

4. Deaf and Hard-of-Hearing

In addition to the core team, a consultant for the hearing impaired, audiologist and speech pathologist may be needed. The team shall also utilize a physician's report and pertinent medical information. The team will develop an appropriate educational program based on a comprehensive team assessment. District, regional and state services should be coordinated to ensure comprehensive services without unnecessary duplication.

5. Speech/Language Impaired
In addition to the core team, a speech pathologist will comprise the Child Study Team.
6. Other Health Impaired
The team shall consist of a core team plus other personnel as determined necessary for health impaired. In addition, eligibility for home-bound program must be documented by a physician.
7. Specific Learning Disabilities
Core team plus teacher with training in the area of specific learning disabilities or teacher or administrator with knowledge in the area of specific learning disabilities and the school psychologist, speech therapist, and other appropriate professional individuals.
8. Emotionally Disturbed
Core team plus a qualified psychologist and/or a (licensed/certified) psychiatrist.

- (f) Record of Child Study Team
Each Child Study Team member shall sign the Child Study Report and it shall be filed in the child's folder. If a team member(s) disagrees with the majority in a placement decision, then a statement is to be prepared, signed, dated, and included in the child's folder by the dissenting member(s). The statement is to be viewed as a potentially helpful alternative for the child.

FOLLOWING IS A LIST OF OTHER AGENCIES PARTICIPATING IN THE CHILD IDENTIFICATION EFFORT

- (a) Montana Department of Institutions,
- (b) Montana Department of Health and Environmental Sciences,
- (c) Montana Department of Social and Rehabilitation Services.

THE NATURE AND EXTENT OF THE INTERAGENCY EFFORT IN CHILD IDENTIFICATION.

Following is the interagency agreement and a description of roles and responsibilities among agencies for the delivery of appropriate services to handicapped children in Montana:

ROLES AND RESPONSIBILITIES FOR
STATE AGENCIES SERVING HANDICAPPED CHILDREN

INTRODUCTION

Outlined below are roles and responsibilities to be assumed by state agencies serving handicapped children. The purpose in listing these roles and responsibilities is not to alter the services being provided by state agencies but to define what agencies are doing and the relationship between agencies.

In general, the roles and responsibilities described below give the Department of Health and Environmental Sciences (DHES) and the Office of the Superintendent of Public Instruction (OSPI) a broad responsibility to find and assure that handicapped children are being served. This assignment of broad responsibility does not mean other agencies are relieved of serving handicapped children but rather that services need to be better coordinated with a clear understanding of who is responsible for seeing that the child's needs are met.

This outline is meant to serve as a broad general policy for the provision of services to handicapped children. It should also serve as a mechanism for mediation when conflict as to areas of responsibility arise between agencies. The welfare and interest of the child being served should take precedent in any area of these roles and responsibilities.

The concept of a continuum of services is implicit in this assignment of roles. This concept is generally that services begin with finding and evaluating the client, who then is provided services in increasingly intensive and restrictive programs until the client no longer needs services.

DEFINITIONS

The general definitions used for phases in the continuum of services are as follows:

Outreach/Referral - This phase includes all those services specifically directed at identifying clients, such as: outreach programs, screening clinics, tracking projects, and child-find projects. Prime responsibility in this area does not mean that other agencies should not look for handicapped children but rather that every child found should be reported to the agency responsible for serving the child.

Evaluation/Diagnosis - This phase includes assessment and comprehensive evaluation of more than one area of the child's functioning to determine whether the child is handicapped and the extent of the child's handicap and the development and adoption of an individual services plan.

Comprehensive Evaluation means an evaluation of more than one area of a child's functioning so that no single evaluation shall be the sole criteria for determining appropriate services. Such evaluations shall be compiled from as many of the following areas as deemed necessary for determining the child's performance. This is to include the characteristics of the family, the child's unique needs and the family's adjustment to their child's impairment.

- Medical history and evaluation;
- Educational and developmental history;
- Personal/Social/Emotional functioning;
- Academic functioning;
- Vocational/occupational/rehabilitation needs;
- Communication skills;
- Gross motor/fine motor/sensory skills;
- Adaptive behavior;
- Nutritional history.

The prime agency for this phase is responsible for seeing that the child is evaluated and that an Individual Services plan is developed.

Outpatient/Counseling - This phase includes all services in the child's Individual Services plan that can be provided in a community setting. This phase includes services such as: special education services in the school, or at home, out-patient or short-term medical treatment (including mental health care), day care, speech therapy, and vocational rehabilitation services.

Alternative Living Arrangements - This phase includes all services to the child that require 24-hour residential or foster care. Examples include: foster care, group homes, boarding schools and residential settings of twelve or less clients.

Residential Treatment Facilities - This phase includes all services provided in a residential setting of more than twelve clients that is medical, long-term, intensive or secure in nature. Included are those clients placed under the commitment law. Examples include: Boulder River School and Hospital, Yellowstone Boys' Ranch, Warm Springs Children's Unit and out-of-state treatment programs.

The definitions of general terms as used in the context of this paper are as follows:

Case Management - The responsibility of an agency to develop, plan and execute with parent/guardian agreement an Individual Services plan for each child for whom it has this responsibility. Only one agency at a time shall have case management. The Individual Services plan shall be provided by the case management agency to all other involved agencies to fulfill the other agencies' legal requirements. Case management should include evaluation of the plan as to the appropriateness of the individual services being provided.

Tracking - The process whereby an agency formulates a listing of children needing or receiving services and the agency providing the service. Periodic updating is done on the listing to insure current information.

Annual Review - As performed during the process of tracking. Annual review is the confirmation or validation that an active individual services plan exists for each child. This review should not include any judgment as to the quality of the individual services being provided.

Responsible agency - The agency which has case management responsibility and who implements and executes the individual services plan for each client. This agency has the responsibility to see that the child is receiving all services which are appropriate and necessary.

The definitions of various types of handicapping conditions as found in the federal regulations pertaining to special education programs are as follows;

Deaf means a hearing impairment which is so severe that the child's hearing is nonfunctional for the purposes of functional performance.

Deaf-blind means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and learning problems that they cannot be accommodated in services programs solely for deaf or blind.

Hard of hearing means a hearing impairment, whether permanent or fluctuating, which adversely affects a child's functional performance but which is not included under the definition of "deaf" in this section.

Mentally retarded means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects a child's functional performance.

Orthopedically impaired means a severe orthopedic impairment which adversely affects a child's functional performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.) and impairments from other causes (e.g., fractures or burns which cause contractures, amputation, cerebral palsy, etc.).

Other health impaired means limited strength, vitality, or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes.

Seriously emotionally disturbed means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree: an inability to learn which cannot be explained by intellectual, sensory, or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers and adults; inappropriate types of behavior or feelings under normal circumstances; a general pervasive mood of unhappiness or depression; or a tendency to develop physical symptoms, or fears associated with personal or interpersonal problems. The term includes children who are schizophrenic or autistic. The term does not include children who are socially maladjusted but not emotionally disturbed.

Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain disfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, of motor handicaps, of mental retardation, or of environmental, cultural, or economic disadvantages.

Multihandicapped means concomitant impairments (such as mentally retarded-blind, mentally retarded - orthopedically impaired, etc.), the combination of which causes such severe functional problems that they cannot be accommodated in services programs solely for one of the impairments. The term does not include deaf-blind children.

Speech impaired means a communication disorder, such as stuttering impaired articulation, a language impairment, or a voice impairment, which adversely affects a child's functional performance.

Visually handicapped means a visual impairment which, after correction, adversely affects a child's functional performance. The term includes both partially seeing and blind children.

AGENCY ROLES AND RESPONSIBILITIES

I. Department of Health and Environmental Sciences

(Health Services Division)

A. Roles and Responsibilities

1. DHES shall be the principal agency for seeking out, evaluating, and referring handicapped children, age 0 thru 5.
2. DHES shall maintain a record of all handicapped children, age 0 thru 5, who are served by state agencies or grantees of state agencies. DHES shall be the prime agency responsible for tracking all handicapped children, age 0 thru 5.
 - (a) DHES shall make reports available to SRS, OSPI, and other state agencies as needed to assure that all handicapped children are located and served.
3. DHES and OSPI shall develop by July 1, 1979 a procedure for the transfer of responsibility for handicapped children age 3 thru 5 from DHES to OSPI.
4. DHES shall at least annually review all known handicapped children, age 0 thru 5, to assure that the child is being served or that the individual services plan has been completed.
5. DHES shall refer all persons who are primarily developmentally disabled (DD) to SRS for case management:
 - (a) DHES shall maintain records of DD clients as a part of its record system and carry out the review described in sections 2 and 4.
 - (b) DHES shall provide case management of persons suspected of being developmentally disabled until the person is evaluated. If an evaluation indicates that a person

5. (continued)

is primarily developmentally disabled, SRS shall then provide case management and develop the individual services plan upon referral from DHES.

6. DHES with the assistance and cooperation of other state agencies shall provide regional center child study teams for the evaluation of all suspected handicapped children age 0 thru 5.

B. Actions Required by DHES

1. DHES shall amend state plans required by federal agencies to conform with the roles and responsibilities described above.
2. DHES shall develop a procedure to involve participation by other agencies in the ongoing costs and implementation of an interagency information and record system by June 1, 1978.
3. DHES shall incorporate the delegation of the above roles and responsibilities into all grants and contracts with local agencies serving handicapped children.
4. DHES shall adopt administrative rules to implement the roles and responsibilities described above including rules:
 - (a) Governing the recording and dissemination of information concerning handicapped children.
 - (b) Setting out procedures for identification and evaluation of handicapped children.
 - (c) Setting out procedures for regional center child study teams, including appeal procedures and procedures for involving other agencies.
 - (d) Setting out the procedures for referring developmentally disabled persons to SRS.
5. DHES shall develop an agreement to make available appropriate amounts from Title XVI funds and to delegate responsibilities to OSPI for services to SSI recipients over age five.
6. DHES shall develop a plan to orient employees and grantees to the department's role in serving handicapped children.

7. DHES shall develop an agreement with various local/ regional agencies to assure that comprehensive evaluations for handicapped children are available. When services are not available through local or regional agencies DHES shall develop an agreement with participating agencies to arrange appropriate funding and staffing of regional centers or other cooperative arrangements with agencies which have evaluation capabilities in order to enable comprehensive evaluations for handicapped children.

II. Office of the Superintendent of Public Instruction

(Special and General Services)

A. Roles and Responsibilities

1. OSPI shall be the principal agency for seeking out, evaluating and referring handicapped children, age 6 thru 18.
2. OSPI shall maintain a record of all handicapped children age 6 thru 18, who are served by state agencies or grantees of the state.
 - (a) Records must be maintained in compliance with PL 94-142, sec. 121a 450 - 121a 466.
 - (b) OSPI shall develop reports of children being served as requested by other state agencies serving handicapped persons, when parental agreement is obtained.
3. OSPI through the local school district shall have the responsibility for case management for all handicapped children age 6 thru 18 except for those children living in alternate living arrangements or residential treatment facilities, with a condition other than "specific learning disabilities" or "speech impairment". A child who has a specific learning disability or speech impairment shall be the responsibility of the OSPI unless OSPI refers that child to another state agency which accepts responsibility for case management.
4. The "Child Study Process" set out by OSPI in 48-2.18(18)-S18280 shall serve as the primary procedure for the evaluation, referral and case planning for all state agencies serving handicapped children, age 6 thru 18.

5. OSPI shall not have case management responsibility for handicapped children (age 6 thru 18) living in alternate living arrangements or residential treatment facilities or for children returning to the community from such facilities for a period of 90 days after leaving the facility.

B. Actions Required by OSPI

1. OSPI shall develop agreements with other agencies that set out OSPI and local school district obligations to pay educational costs for children placed in alternate living arrangements.
2. OSPI shall modify administrative rules concerning "Individual Services Team", to require participation of other agencies in cases where the child's needs may require placement in alternate living arrangements or assistance by public agencies other than the school district.
3. OSPI shall develop reporting procedures with other agencies to assure that all handicapped children or children suspected of having a handicap are reported to the appropriate school district by the nonschool agency.
4. OSPI shall carry out a program to inform local education agencies of the role of education agencies and other state agencies in serving handicapped children.
5. OSPI and DHES shall develop a procedure by July 1, 1979 for the transfer of responsibility for handicapped children age 3 thru 5 from DHES to OSPI.

III. Department of Social and Rehabilitation Services (SRS)

A. Roles and Responsibilities

1. SRS shall provide case management for any child who, is diagnosed as mentally retarded or emotionally disturbed and who is in need of alternative living arrangements or residential treatment facilities and for 90 days after leaving such facilities.
2. SRS shall retain the ultimate authority for acting in the behalf of all handicapped children of whom SRS has custody.

III. (continued)

2. (continued)

- (a) The agency otherwise responsible for the child shall be responsible for case management. The fact that SRS has custody of the child does not relieve other agencies of responsibilities of serving the child.
 - (b) When a ward of SRS is within a residential treatment facility, case management is the responsibility of the facility and SRS will act as an interested party much the same as a parent acts. Educational services will be provided in accordance with the special education rules and regulations as adopted by the Superintendent of Public Instruction.
- 3. SRS shall be responsible for planning and developing those services for developmentally disabled children that are not provided by other state agencies or mandated to be provided by other agencies, (i.e., free and appropriate public education).
 - 4. SRS shall provide vocational rehabilitation services to eligible handicapped children referred by other agencies.

B. Actions Required by SRS

- 1. SRS shall publish administrative rules, consistent with the roles and responsibilities listed above, that define protective services to handicapped children under RCM 71-1902(2), by July 1, 1978.
- 2. SRS shall develop policy and administrative rules that incorporates the roles and responsibilities listed above into the criteria used in awarding grants and contracts for services to handicapped children by July 1, 1978.
- 3. SRS shall make adherence to the roles and responsibilities listed above a condition of all grants and contracts for services to the handicapped.
- 4. SRS shall carry out a program to orient staff and grantee organizations of the roles of state agencies serving handicapped children.
- 5. SRS and DHES shall develop a procedure for the referral of developmentally disabled children (age 0-5) from DHES to SRS by July 1, 1978.

B. (continued)

6. SRS shall develop proposed legislation to deal with the issues of confidentiality as it relates to the team approach to case management for handicapped children by July 1, 1978.

IV. Department of Institutions

A. Roles and Responsibilities

1. The Department of Institutions through the community mental health centers shall provide evaluation and treatment services to emotionally disturbed children referred by DHES, SRS or local educational agencies. These services shall be provided without regard to ability to pay.
2. Eastmont Training Center shall serve handicapped children whose placement at Eastmont is determined to be appropriate by consultation between Eastmont and local education agencies and shall provide case management services to children at Eastmont until the child is referred on to a special education program. Each child will be reviewed at least annually by the special education agency to determine that the placement at Eastmont is still appropriate.
3. The Department of Institutions shall provide case management services for all handicapped children while the child is a resident of a state residential treatment facility.

B. Actions Required by the Department of Institutions

1. The Department of Institutions shall incorporate the roles described above into contract for services with each community mental health center, including a procedure for screening referrals by other state agencies of emotionally disturbed children whose individual services plan proposes placement in a residential treatment facility or an alternative living arrangement.
2. The Department of Institutions shall orient members of its staff and grantees to the roles of state agencies in serving handicapped children.

V. Montana School for the Deaf and Blind (MSDB)

A. Roles and Responsibilities

MSDB shall serve children referred through local education

V. (continued)

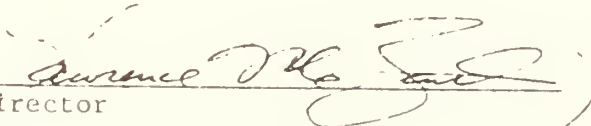
A. (continued)

agencies and shall provide case management for handicapped children until they are returned to special education programs, or SRS.

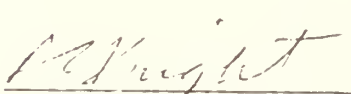
B. Actions required by MSDB

MSDB staff should be oriented to the roles and responsibilities of state agencies serving the handicapped.


We, the undersigned, hereby agree that we have reviewed and approve the attached document describing "Roles and Responsibilities for State Agencies serving Handicapped Children", and furthermore that we shall cooperate and assist in implementing the recommendations contained therein.



Director
Department of Institutions



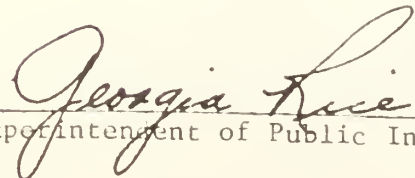
Director
Department of Health and
Environmental Sciences



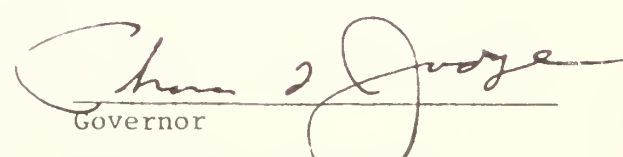
Director
Department of Social and
Rehabilitation Services



Special Education



Superintendent of Public Instruction



Governor

MARCH 14, 1978

STATUS OF PROJECTED OBJECTIVES IN CHILD IDENTIFICATION FOR
SCHOOL YEAR 1977-78

A public information and awareness campaign was conducted during the

1977-78 school year which included media presentations, brochures, posters, and TV and radio spots. These materials and broadcasts were distributed statewide.

Additionally, a telephone hotline service was made available at the state education agency throughout the school year in order that referrals be made and forwarded to local school districts.

The total budget for this effort was approximately \$13,000.00. Specific outcomes were as follows:

- (a) The state education agency contracted with an advertising agency in May of 1977. Total cost: \$9,000.00.
- (b) The state education agency maintained a hotline telephone number beginning in September, 1977 and ending in July of 1978. Total cost: \$1,500.00.
- (c) The state education agency provided technical assistance to local education associations for local Child Find efforts for school year 1977-78, spending approximately \$2,500.00.

B. PROJECTED ACTIVITIES FOR CHILD IDENTIFICATION FOR SCHOOL YEAR
1979-80.

Following is a description of the goals and activities of the state education agency for Child Identification for FY 79. These are to be accomplished under the direct supervision of the Special Education Unit, Office of Public Instruction. Resources included state education agency staff, local education agencies, other public agencies, the media, volunteers, state and local businesses and others.

To increase public awareness regarding special education services in Montana,

- a. the state education agency will contract with an advertising agency for production of a multi-media campaign to be distributed statewide.
- b. a booklet series outlining in detail the special education process will be developed by July of 1979, i.e., referral, evaluation, child study team meeting, development of the local education agency at the child study meeting and the due process hearing.
- c. pamphlets, flyers, booklets, posters, etc., will be

distributed to local school districts, other public agencies, retail super markets, banks, medical clinics and many others, including direct mailings by September, 1979.

To provide a statewide effort in the identification and location of handicapped children in Montana,

- a. the state education agency will coordinate a statewide information/referral system with local education agencies and other agencies by September, 1978. This includes the development of a small booklet for parents which identifies the many agencies involved in the identification of handicapped children and how to access the services from those agencies.
- b. the state education agency through its state child find campaign will maintain a post office box number in order that referrals may be received and subsequently forwarded to local education agencies. Direct requests for child find information will also be available via this post office box.
- c.- the state education agency will provide technical assistance and training if necessary to local education agencies and other public agencies in order to maintain and improve existing child find efforts.

Outcomes for the above include:

- (1) Increased number of referrals.
- (2) Increased number of inquiries regarding special education.
- (3) Increased awareness by parents, other agency personnel and local education agencies regarding the child find and special education process.
- (4) Increased positive interest in special education.

Montana special education rules and regulations require local school districts to conduct child find efforts annually for all children ages 0-21.

The state education agency collects, through the annual child count procedure and year end reports, information on children's initials, birthdates and handicapping conditions - for the purpose of determining the number of handicapped children receiving special education and related services. Information regarding the number of students not receiving special education services is retrieved in a similar fashion.

VI. INDIVIDUALIZED EDUCATION PROGRAM

A. STATUTE, POLICY OR STANDARDS

The state law is as follows: Conduct of special education to comply with Board of Public Education policies . . . The policies

shall assure and include, but are not limited to: . . . (c) Use of child study teams to identify handicapped children and use of instructional teams to plan individualized education programs (20-7-402 Montana Codes Annotated).

DEVELOPMENT OF INDIVIDUALIZED EDUCATION PROGRAM

The following procedures are taken from the Montana Special Education Rules and Regulations.

Services provided directly to a child via special education shall begin only when a comprehensive Child Study Team evaluation has been conducted and when written parental/guardian approval of the written individualized education program has been developed. Written parental consent for special education placement shall also be obtained annually prior to placing a child in the program.

The data gathered from the comprehensive educational evaluation conducted by the Child Study Team shall be utilized in the development of the individualized education program.

The term "individualized education program" means a written statement for each handicapped child developed in a meeting by (1) a representative of the local educational agency who shall be qualified to supervise the provision of the specially designed instruction to meet the unique needs of handicapped children, (2) regular and/or special education teacher(s) who have direct responsibility for implementing the child's individualized program, (3) the parents or guardian of the child, and (4) whenever appropriate, the child.

The statement shall include at least these items:

- (a) a statement of the present levels of educational performance of such child (baseline date);
- (b) a statement of annual goals;
- (c) short term instructional objectives (in addition to the basic academic and life skills objectives, psycho-motor objectives also must be considered);
- (d) a statement of the specific educational services to be provided to such child, and the extent to which such child will be able to participate in regular educational programs;
- (e) the projected date for initiation and anticipated duration of such services;
- (f) appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether instructional objectives are being achieved.

When individualized education programs are developed for secondary special education students, the following points should carefully be considered:

- (a) whether a total basic skill focus is still realistic;
- (b) whether the service thrust and focus should be development of compensatory and adjustment skills; and,
- (c) whether utilization of the program is appropriate.

RECORD OF INDIVIDUALIZED EDUCATION PROGRAM

Each agency shall maintain records of the individualized educational program for each handicapped child, and such program shall be established, reviewed, and revised as provided in the Montana Special Education Rules and Regulations.

PERIODIC REVIEW OF INDIVIDUALIZED EDUCATION PROGRAM

Each agency and parents shall establish or revise an individualized education program for each handicapped child before the beginning of each school year. They will then review and, if appropriate, revise its provisions periodically but not less than annually. Parents shall have the opportunity to review their child's individualized education program and be given the opportunity to assist in scheduling the meetings at a mutually agreed time and place.

The notice of the meeting should include the following information:

- (a) The date, time and place of review conference.
- (b) A core team will participate in the review.
- (c) A description of procedures to be used in the review.
- (d) A statement that the parents will receive the findings and recommendation of the staff's review within 10 days after completion of the review.

The conference shall be summarized in writing, dated and signed by the persons present. Content of the summary shall follow the outline of the individualized education program. A copy of the summary shall be provided to parents.

DURATION OF PLACEMENT

A child may not receive service under special education without an annual review which determines the program's appropriateness for the child.

Short-term placement (six week maximum) is permissible for diagnostic teaching and/or trial therapy. Written parental approval, in addition to an evaluation by the appropriate Child Study Team, is required for short-term placement.

PARENTAL INVOLVEMENT

Parents shall be afforded the opportunity to participate in the Child Study Team process, individual education program planning conferences and periodic educational program reviews. They also shall be afforded the opportunity to assist in scheduling the meetings at a mutually agreed on time and place.

The Child Study Team may evaluate the child, providing they have written parental consent. Planning conferences and periodic program reviews may be conducted without the parent in attendance only if (1) there is sufficient documentation of attempts/efforts to arrange a mutually agreed on time and place or (2) if the parents waive their right to participate, in accordance with due process procedure.

In cases where it is not possible or practical for the parent to attend, other alternatives may be attempted including individual conference telephone calls.

To assure active parent participation, an interpreter will accompany the parents when necessary to allow communication in their native or primary language.

The responsibility for initiating and conducting the individual planning conferences rests with the local educational agency. The planning conference shall be conducted within the first 30 days of a child's attendance or within 30 days of eligibility determination.

No parent of a child placed in a special education program will be required to perform duties not required of any other parent whose child is enrolled in the public schools unless specifically agreed to by both parties in writing.

RESPONSIBILITY TO THE HANDICAPPED

a. Parental Notification of District Identification, Location, Referral and Screening Procedures

"Parent" includes a parent, a guardian, a surrogate parent appointed under Rule 48-2.18(14)-S18180 or a person acting as a parent of a child in the absence of a parent or guardian.

Comment. The term "parent" is defined to include persons acting in the place of a parent, such as a grandmother or stepparent with whom a child lives, as well as persons who are legally responsible for a child's welfare.

Local school districts shall advise parents annually of the procedures for identification, location, referral and screening of preschool and school-age population. Such notice must be given through newspapers, student handbooks, or letters to parents to ensure that parents of all children are informed of the procedures.

All written notices must be (1) in language understandable to the general public and (2) provided in the native language of

the parents, unless it is clearly not feasible to do so. Where the native language of the parents is not in written form, interpretation shall be provided in the native language. When necessary, arrangements shall be made to facilitate communications with hearing and visually impaired parents.

b. Parental Notification and Approval for Testing, Formal Evaluation, and Interviewing

If there is reason to believe that a preschool or school-age child is in need of special education services, written permission must be obtained by the local agency from the parents before the process of individual evaluation, interviewing, or formal testing can begin. This shall also apply when a re-evaluation is planned. The annual program review of the Individualized Education Program as defined in Montana Rules and Regulations is exempt.

Written parental approval applies only to those procedures used selectively with an individual child (e.g., individual intelligence measures, audiometric evaluation, speech, voice, language evaluation, diagnostic skill testing) and not to basic tests administered to all children in school (e.g., yearly achievement measures, vision screening, hearing screening, speech screening).

Prior to an evaluation or a re-evaluation, the parent shall be provided with a written notice of intent to conduct an evaluation/re-evaluation. The written notice must be (1) written in language understandable to the general public and (2) provided in the native language of the parents. Where the native language of the parents is not in written form, interpretation shall be provided orally in the native language. The written notice will be delivered to the parent during a personal conference or by certified mail. Oral interpretation shall always be made available in the native language of the home and in English. When necessary arrangements will be made to facilitate communication with hearing and visually impaired parents.

The Notice of Intent to Conduct an Evaluation should include the following:

- (1) The notice must include:
 - (a) A full explanation of all of the procedural safeguards available to the parents under Subpart E.
 - (b) A description of the action proposed or refused by the agency, an explanation of why the agency proposes or refuses to take the action, and a description of any options the agency considered and the reasons why those options were rejected.

- (c) A description of each evaluation procedure, test, record, or report the agency uses as a basis for the proposal or refusal.
 - (d) A description of any other factors which are relevant to the agency's proposal or refusal.
- (2) The notice must be:
- (a) Written in language understandable to the general public.
 - (b) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.
- (3) If the native language or other mode of communication of the parent is not a written language, the state or local educational agency shall take steps to insure:
- (a) That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication.
 - (b) That the parent understands the content of the notice.
 - (c) That there is written evidence that the requirements in paragraph (3), (a) and (b) of this section have been met.

Written parental consent to conduct the evaluation must be obtained prior to the evaluation process, Parental Permission Form. In addition to written parental premission to evaluate/re-evaluate, the local agency should obtain written parental acknowledgment of receipt and understanding of the notice of intent.

c. Written Notification before Change in Education Placement/Program

Parental Notification and Approval

Within 30 days after completion of the Child Study Team evaluation, a designated school district official shall inform the parent in writing, orally or by other appropriate mode that a change in the educational status of the child is proposed or that a requested change in placement is denied. Notification shall be made by personal conference, if it is possible for parents to come in, or else by certified mail. Written notification must be (1) written in language understandable to the general public and (2) provided in the native language of the parents. The child should be informed of and helped to understand, if capable, the educational change. The parent must be invited to participate in the conference for developing the individualized education plan if the child is to be placed in a special education program.

The form to be used to notify parents of the proposed change in the educational placement/program or to deny initiation of a requested program should be included.

The Notice of placement/program change should include the following:

- (1) A description of the proposed educational program, the reasons why the proposed placement is deemed appropriate or the reasons why the requested program is being denied, and the reasons why it is the least restrictive program setting appropriate for the education of the child.
- (2) A description of any test, reports or evaluation procedures on which the proposed education placement is based or the requested educational program is being denied.
- (3) A statement that the school reports, files, and records pertaining to the child shall be available for inspection to the parents or their designee as indicated in writing. Copies of such records may be obtained on request at no more than the actual cost of such copying.
- (4) A description of the right of the parents to obtain a hearing if there are objections to the proposed action or non-action. This notice should emphasize that the parent need not accept the proposed decision to change or not to change the status of the child when there is disagreement with the proposed alternative program.
- (5) A detailed description of the procedures the parent should use to appeal a hearing decision.
- (6) An explanation stating that if the proposed action is rejected by the parent, the child shall continue, temporarily, in the current placement unless the current placement endangers the health or safety of the child or other children and/or substantially disrupts the educational programs of other children. In this instance, the local educational agency shall notify the parent of the interim change in writing by certified mail.

This notice should specify:

- (a) The manner in which the health and safety of the child or other children is endangered or the manner in which the educational program of other children is being disrupted.
- (b) The nature, duration and location of the interim placement, which must not exceed 15 school days.

- (c) The fact that the interim placement may be extended beyond 15 school days only on the decision of a hearing officer and that in no case may it extend beyond the duration of the entire due process procedures.
 - (d) The name of the person responsible for the interim placement and the date the interim placement will begin.
- (7) An explanation that in the case where a complaint involves a child who is applying for initial admission to a public school, the child shall, with the consent of the parents, be placed in the public school program until the completion of due process proceedings. In this case, the local education agency shall notify the parents of the type of interim placement in writing by certified mail using procedures established and written in item 6 immediately preceding this item.

This notice should specify:

- (a) The nature, duration, and location of the interim placement, which must not exceed 15 school days.
- (b) The fact that interim placement may be extended beyond 15 school days only on the decision of the hearing officer and that in no case may it extend beyond the duration of the entire due process procedures.
- (c) The name of the person responsible for the interim placement and the date the interim placement will begin.

d. Placement/Program Maintained

A child shall continue, temporarily, in the current placement whenever parents do not give written consent for a change in their child's educational program, except in a case where the current placement endangers the health or safety of the child or other children and/or substantially distracts the educational programs of other children or if applying for initial admission to a public school, shall with the consent of parents or guardian, be placed in the public school program until all such legal proceedings have been completed.

e. School Records and Confidentiality

School records and confidentiality of information must follow the same provisions established for regular education under the Act for Protection of the Rights and Privacy of Parents and Students (20 U.S.C. s 1232g).

POLICIES FOR LEA-PRIVATE SCHOOL INDIVIDUALIZED EDUCATION PROGRAM
COORDINATION

20-5-102, M.C.A. Compulsory enrollment and excuses:

- (1) Any parent, guardian or other person who is responsible for the care of any child who is seven (7) years of age or older prior to the first day of school in any school fiscal year and has not yet reached his sixteenth birthday and who has not completed the work of the eighth (8th) grade, shall cause the child to be instructed in the English language and in the subjects prescribed by 20-7-111, whichever is applicable. Such parent, guardian or other person shall enroll the child in the school assigned by the trustees of the district within in the first week of the school term or when he establishes residence in the district unless:
 - (a) the child is enrolled in a private institution which provides instruction in the subjects prescribed by 20-7-111, whichever is applicable, and in which the basic language taught is English;
 - (b) the child is enrolled in a school of another district or state under any of the tuition provisions of this Title; study or supervised home study under the transportation provision of this Title; or
 - (c) provided with supervised correspondence study or supervised home study under transportation provisions of this title;
 - (d) the child is excused from enrollment in a school of the district when it is shown that his bodily or mental condition does not permit his attendance and the child cannot be instructed under the special education provisions of this Title.
 - (e) the child is excused from compulsory school attendance upon a determination by a district judge that such attendance is not in the best interest of the child.
- (2) The excuse provided for in subsection (1)(d), above, shall be issued by the district superintendent, or the county superintendent when there is no district superintendent employed by the district. Whenever an excuse is denied by the applicant official, an appeal of such decision may be made to the district court of the county within ten (10) days after the decision upon giving a bond in the amount set by the court to pay all costs of the appeal. The decision of the district court shall be final.

OUT-OF-DISTRICT SERVICES

The procedures taken from the Montana Special Education Rules and Regulations.

If a school district is unable to provide services for its resident handicapped students or unable to provide services through cooperative services, the school district may have to use out-of-district placement. The decision to place a child out-of-district must be recommended by the resident district Child Study Team and approved by the resident district board of trustees. Placement made independently of the public school by the parents and/or other agencies relieves the public school of all financial obligations.

When a child is handicapped to such a degree that a totally controlled environment is needed, residential school placement may be essential. Room and board and tuition costs are considered allowable costs in the district's special education budget.

A district must, first, make a reasonable attempt to secure and utilize in-state resources before out-of-state placement will be approved.

If the child is currently in an out-of-district program, the resident school district should request the child's parents to make a formal written request to the receiving district to release their child's school records.

It is the resident district's responsibility to convene the Child Study Team and set the time and place for conducting a review of the child's needs and educational placement. The receiving district is responsible for providing program monitoring and assisting the resident district with conducting an annual review of the child's program and progress. The receiving district shall provide pertinent data regarding the child's program and progress to the resident district and parents.

The resident district and receiving district should form a joint Child Study Team to consider the evaluation data and explore program options. Travel funds to facilitate this process must be approved by the Office of Public Instruction prior to the two districts convening a joint Child Study Team.

The resident school district is required to budget for room and board costs (0555-Transportation) in its special

education budget. Budget approval does not mean the school district has authorization to send a specific child out of the district. Approval shall also be obtained from the school district or agency which is providing the services. Program evaluations is the responsibility of both the resident school district and the providing school district or agency.

If a handicapped child is placed out-of-state, tuition charges are covered under Contracted Services 01-01-0280.

It is the responsibility of the resident school district to ensure that an out-of-district living facility is an appropriately licensed facility. An inquiry should be made to the local Social and Rehabilitation Services Division in order to secure appropriate facilities. The local division can provide the school district with a list of homes which are licensed and/or procedures by which a home can be licensed. Payment schedules should follow rates set by Social and Rehabilitation Services Division. Any deviation from that schedule should be based on severity of handicap and shall receive concurrence from Social and Rehabilitation Services and approval from the superintendent of public instruction.

To ensure that the request for and out-of-district placement is appropriate and follows the Special Education Rules and Regulations, the following items must be addressed:

c. Resident School District Responsibility

- (1) The resident school district will assure that all students considered for out-of-district placement shall be processed by a resident Child Study Team and approved by the board of trustees.
- (2) The resident school district will assure that the Child Study Team, in recommending out-of-district placement, has:
 - (a) Identified service options outside of the district.
 - (b) Outlined reasons why services cannot be provided by the resident district.
 - (c) Specified date requested for placement.
- (3) The resident school district will investigate placement options and assure that the selection of placement is in keeping with the least restrictive alternative.

- (4) The resident school district will make transportation arrangements.
- (5) The resident school district will specify criteria for the student's return to the resident district.
- (6) The resident school district will outline provisions for program monitoring and annual review.
- d. Receiving School District Responsibility
 - (1) The receiving school district will form a Child Study Team to determine acceptance and whether appropriate services can be offered.
 - (2) The receiving school district will conduct periodic review and report results to the appropriate official of the resident district.
- e. Resident School District Continuing Responsibilities
 - (1) The resident school district will conduct an annual review of each child placed out-of-district.
 - (2) Through the Child Study Team, the resident school district will make recommendations, annually, for either continued out-of-district placement or termination.
 - (3) Based on the Child Study Team reports, the resident school district will submit a recommendation to the Superintendent of Public Instruction for continued out-of-district placement.
- f. Procedures for Implementing Individualized Education Program Policy

The Superintendent has published rules and regulations which direct local education agencies in conducting individualized education program procedures. Ten individualized education program inservice training sessions were held by the Office of Public Instruction and Regional Services in 1977. The legislation and policies have been included in the above sections.

A program narrative is submitted by local education agencies to the Office of Public Instruction for evaluation and review. The narrative states how each district is implementing the individualized education program for all served handicapped children. The Office of Public Instruction also selects a random sample of individualized education programs to audit the degree of compliance to state rules and regulations.

The onsite report from the Office of Public Instruction is sent to each local education agency visited with follow-up visits when appropriate. Technical assistance and inservice training are also afforded districts by the state education agency as a result of the on-site visitations.

B. INDIVIDUAL EDUCATION PROGRAM - NEW REQUIREMENTS

Pursuant to Montana Special Education Rules and Regulations 48-2.18(18)-S18310 all public agencies providing service to handicapped children are required to document, with parental written approval, an Individualized Education Program (IEP) prior to the provision of services. The written IEP must be included in the documentation on file for each handicapped student served. The IEP must be reviewed at least annually and updated periodically, by parental request or by the teacher as the condition warrants.

Careful inspection of IEPs is a significant part of the on-site monitoring process. (See Section XVI for a more complete discussion of the total monitoring process).

A random sample of student files within a district are subjected to inspection. Among other documents examined the student's IEP is evaluated against the following criteria:

1. The statement (IEP) shall include at least these items:
 - a. a statement of the present levels of educational performance of such child (baseline data),
 - b. a statement of the annual goals,
 - c. short term instructional objectives,
 - d. a statement of the specific educational services to be provided to such child and the extent to which such child will be able to participate in regular educational programs,
 - e. the projected date for initiation and anticipated duration of such services,
 - f. appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether instructional objectives are being achieved.
2. When individualized education plans are developed for secondary special education students, the following points should be carefully considered:
 - a. whether a total basic skills focus is still realistic,
 - b. whether the service thrust and focus should be development of compensatory and adjustment skills; and
 - c. whether utilization of a vocational program is appropriate.

(Monitoring summary and data collection forms are attached as Attachment #2).

In the event that any of the above stated components are not present in a child's IEP the specific deficiencies are pointed out to the responsible person(s) with instructions as to how to bring the IEP into compliance. In addition actual services being delivered to a student are compared with the written IEP to insure delivery of required services.

VII. PROCEDURAL SAFEGUARDS

A. PROCEDURES IN 1978 PLAN MONTANA STATE LAW FOR HANDICAPPED CHILDREN -- PLACEMENT

20-7-402, Montana Codes Annotated. CONDUCT OF SPECIAL EDUCATION TO COMPLY WITH BOARD OF PUBLIC EDUCATION POLICIES. The conduct of special education programs shall comply with the policies recommended by the superintendent of public instruction and adopted by the board of public education. These policies shall assure and include, but are not limited to:

- (a) placement of handicapped children in the least restrictive alternate setting;
- (b) due process for all handicapped children;
- (c) use of child study teams to identify handicapped children and use of instructional teams to plan individual education programs;
- (d) comprehensive evaluation for each handicapped child; and
- (e) other policies needed to assure a free and appropriate public education.

The superintendent of public instruction shall promulgate rules to administer the policies of the board of public education.

POLICY IN STATE LAW REGARDING APPEALS AND HEARINGS

20-3-210, Montana Codes Annotated. CONTROVERSY APPEALS AND HEARINGS. The county superintendent shall hear and decide all matters of controversy arising in his county as a result of decisions of the trustees in the county. When appeals are made under 20-4-204 relating to the termination of services of a tenure teacher under 20-4-207 relating to the dismissal of a teacher under contract, the county superintendent may appoint a qualified attorney at law to act as a legal adviser who shall assist the superintendent in preparing findings of fact and conclusions of law. Subsequently, either the teacher or trustees may appeal to the superintendent of public instruction under the provisions for appeal of controversies arising under:

- (1) Section 20-5-304 or 20-5-311 relating to the approval of tuition applications; or
- (2) any other provision of this title for which a procedure for resolving controversies is not expressly prescribed.

The county superintendent shall hear the appeal and take testimony in order to determine the facts related to the controversy and may administer oaths to the witnesses that testify at the hearing proceedings. The decision on the matter of controversy which is made by the county superintendent shall be based upon the facts established at such hearing.

The decision of the county superintendent may be appealed to the superintendent of public instruction and, if it is appealed, the county superintendent shall supply a transcript of the hearing to the superintendent of public instruction. (See Attachment # 4 for outline of hearing procedures).

RESPONSIBILITY TO THE HANDICAPPED

The following has been taken from the Montana Special Education Rules and Regulations.

a. Parental Notification of District Identification, Location, Referral, and Screening Procedures

"Parent" includes a parent, a guardian, a surrogate parent appointed under Section 4.9 or a person acting as a parent of a child in the absence of a parent or guardian.

Comment: The term "parent" is defined to include persons acting in the place of a parent, such as a grandmother or stepparent with whom a child lives, as well as persons who are legally responsible for a child's welfare.

Local school districts shall advise parents annually of the procedures for identification, location, referral and screening of preschool and school-age population. Such notice must be given through newspapers, student handbooks, or letters to parents to ensure that parents of all children are informed of the procedures.

All written notices must be 1) in language understandable to the general public and 2) provided in the native language of the parents, unless it is clearly not feasible to do so. Where the native language of the parents is not in written form, interpretation shall be provided in the native language. When necessary, arrangements shall be made to facilitate communications with hearing and visually impaired parents.

b. Parental Notification and Approval for Testing, Formal Evaluation, and Interviewing

If there is reason to believe that a preschool or school-age child is in need of special education services, written permission must be obtained by the local agency from the parents before the process of individual evaluation, interviewing, or formal testing can begin. This shall also apply when a re-evaluation is planned. The annual program review of the Individualized Education Program as defined in Rule 48 - 2.18(18)-S18330 of the regulations is exempt.

Written parental approval applies only to those procedures used selectively with an individual child (e.g., individual intelligence measures, audiometric evaluation, speech, voice, language evaluation, diagnostic skill testing) and not to basic tests administered to all children in school (e.g., yearly achievement measures, vision screening, hearing screening, speech screening).

Prior to an evaluation or a reevaluation, the parent shall be provided with a written notice of intent to conduct an evaluation/reevaluation. The written notice must be 1) written in language understandable to the general public and 2) provided in the native language of the parents. Where the native language of the parents is not in written form, interpretation shall be provided orally in the native language. The written notice will be delivered to the parent during a personal conference or by certified mail. Oral interpretation shall always be made available in the native language of the home and in English. When necessary, arrangements shall be made to facilitate communication with hearing and visually impaired parents.

The notice of Intent to Conduct an Evaluation:

- 1) Must include:
 - a) A full explanation of the procedural safeguards available to the parents under Subpart E.
 - b) A description of the action proposed or refused by the agency, an explanation of why the agency proposes or refuses to take action, and a description of any options the agency considered and the reasons why those options were rejected.
 - c) A description of each evaluation procedure, test, record, or report the agency uses as a basis for the proposal or refusal.
 - d) A description of any other factors which are relevant to the agency's proposal or refusal.
- 2) Must be:
 - a) Written in language understandable to the general public.
 - b) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.
- 3) Must insure that if the native language or other mode of communication of the parent is not a written language, the state or local educational agency takes the following:
 - a) That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication.
 - b) That the parent understand the content of the notice.
 - c) That there is written evidence that the requirements in paragraph 3), (a) and (b) of this section have been met.

Written parental consent to conduct the evaluation must be obtained prior to the evaluation process. In addition to written parental permission to evaluate/reevaluate, the local agency should obtain written parental acknowledgement of receipt and understanding of the notice of intent.

c. Written Notification Before Change in Education Placement/
Program

Parental Notification and Approval

Within 30 days after completion of the Child Study Team evaluation, a designated school district official shall inform the parent in writing, orally or by other appropriate mode that a change in the educational status of the child is proposed or that a requested change in placement is denied. Notification shall be made by personal conference, if it is possible for the parents to come in, or else by certified mail. Written notification must be (1) written in language understandable to the general public and (2) provided in the native language of the parents. The child should be informed of and helped to understand, if capable, the educational change. The parent must be invited to participate in the conference for developing the individualized education plan if the child is to be placed in a special education program.

The form to be used to notify parents of the proposed change in the educational placement/program or to deny initiation of a requested program should be included.

The notice of placement program change should include the following:

- 1) A description of the proposed educational program, the reasons why the proposed placement is deemed appropriate or the reasons why the requested program is being denied, and the reasons why it is the least restrictive program setting appropriate for the education of the child.
- 2) A statement that the school reports, files and records pertaining to the child shall be available for inspection to the parents or their designee as indicated in writing. Copies of such records may be obtained on request at no more than the actual cost of such copying.
- 3) A description of the right of the parent to obtain a hearing if there are objections to the proposed action or nonaction. This notice should emphasize that the parent need not accept the proposed decision to change or not to change the status of the child when there is disagreement with the proposed alternative program.

- 4) A detailed description of the procedures the parent should use to appeal a hearing decision.
- 5) An explanation stating that if the proposed action is rejected by the parent, the child shall continue, temporarily, in the current placement unless the current placement endangers the health or safety of the child or other children and/or substantially disrupts the educational programs of other children. In this instance, the local educational agency shall notify the parent of the interim change in writing by certified mail.

This notice should specify:

- a) The manner in which the health and safety of the child or other children is endangered or the manner in which the educational program of other children is being disrupted.
 - b) The nature, duration, and location of the interim placement, which must not exceed 15 school days.
 - c) The fact that the interim placement may be extended beyond 15 school days only on the decision of the trustees and that in no case may it extend beyond the duration of the entire due process procedures.
 - d) The name of the person responsible for the interim placement and the date the interim placement will begin.
- 6) An explanation that in the case where a complaint involves a child who is applying for initial admission to a public school, the child shall, with the consent of the parents, be placed in the public school program until the completion of due process proceedings. In this case, the local education agency shall notify the parents of the type of interim placement in writing by certified mail using procedures established and written in item 6 immediately preceding this item.

This notice should specify:

- a) The nature, duration, and location of the interim placement, which must not exceed 15 school days.
- b) The fact that interim placement may be extended beyond 15 school days only on the decision of the hearing officer and that in no case may it extend beyond the duration of the entire due process procedures.

- c) The name of the person responsible for the interim placement and the date the interim placement will begin.

Placement/Program Maintained

A child shall continue, temporarily, in the current placement whenever parents do not give written consent for a change in their child's educational program, except in a case where the current placement endangers the health or safety of the child or other children and/or substantially disrupts the educational programs of other children or if applying for initial admission to a public school, shall with the consent of parents or guardian, be placed in the public school program until all such legal proceedings have been completed. In this case, Rule 48-2.18(14) - S18120(1), items (vi) and (vii) shall be followed.

- d. School Records and Confidentiality

School records and confidentiality of information must follow the same provisions established for regular education under the Act for Protection of the Rights and Privacy of Parents and Students. (20 U.S.C. s. 1232g)

- e. Storage of Pupil Records and Custody of Assessment Data

- 1) Superintendent of Public Instruction

The Superintendent of Public Instruction shall, through the five major newspapers in the State of Montana, advise the public of policies and procedures that have been established by the superintendent's office to protect confidentiality of child identification data collected and maintained through the state's annual identification and location of handicapped children and youth.

Data items to be collected and maintained by the Superintendent of Public Instruction on an ongoing basis will be limited to the children's initials, birthdates, sex, school district and handicapping condition except for programs in state-operated schools under P.L. 89-313.

- 2) Local School Districts

Educational agencies shall provide public notices advising the public of procedures that have been established by the local school district board of trustees to protect confidentiality of the children's records.

Data items to be collected and maintained by local school districts will include, in addition to those required in

Standard 161, Standards for Accreditation of Montana Schools, professional diagnostic information, services needed and provided, and items related to cost accounting. If other personally identifiable information is to be collected in the future, the district shall advise parents. (See Attachment #10).

All data shall be used only for the purpose for which it is collected unless parental consent is obtained.

3) Safeguards

Each participating school district and/or other participating agencies will be required to provide the Superintendent of Public Instruction with a written notice which will assure the superintendent that personally identifiable data collected by that agency will be maintained in a confidential manner. In addition to the requirements found in Standards 161 and 162, Standards for Accreditation of Montana Schools, (see attachment # 10) this notice must include: a) The name and position of the persons assigned by

the agency responsible for maintaining all personally identifiable student information in a confidential manner.

- b) That all data forms are maintained in secure storage.
- c) That the agency annually maintains a list of all persons who legitimately have access to those data.
- d) That the agency provides training for persons having access to these data. Such training shall relate to the confidentiality of the records, existing local, state and federal regulations relating to access and dissemination of records, rights of the child and parents to the confidential maintenance of records.

4) Destruction of Data

In accordance with local board of trustees policies, each educational agency must establish written procedures to ensure that parents or the student after reaching the age of majority (currently 18) shall have the option to request destruction of their or their child's confidential records five years after termination of special education services, after reviewing them. Otherwise the local education agency shall keep the records for five years beyond legal school age (21). Reasonable effort shall be taken by the agency maintaining personally identifiable data to provide parents with notification 60 days prior to its destruction and the parents will be offered the opportunity to receive a copy of such records.

The information to be destroyed shall not include those data which are routinely collected and maintained on all school children (e.g., student's name, address, phone number, his/her grades, attendance record, classes attended, grade level completed, and year completed), but shall be data collected for identification, location, evaluation and related special education services the child has received by the agency.

Standards 161 and 162, Standards for Accreditation of Montana Schools, shall also be followed by Montana schools.

f. Non-Discriminatory Testing and Evaluation

The following is taken from Montana Special Education Rules and Regulations.

Each educational agency shall establish procedures to assure that testing and evaluation materials and procedures used for evaluation and placement of handicapped children are selected and administered so as not to be racially or culturally discriminatory.

The procedures that are developed by each educational agency shall be established in accordance with the following criteria:

- 1) Evaluation and placement procedures are administered in accordance with the procedural safeguards in Section 48-2.18(14) - S18140(3).
- 2) The determination of a child's need for special education and related services is based on a comprehensive evaluation which may include but is not limited to (a) an individual psychological examination, (b) relevant physical information, (c) appropriate achievement testing and evaluation of classwork, (d) direct observation in a variety of functioning environments, (e) assessment of the social skills and emotional status, and (f) interviews with, or information provided by, important and involved persons in the child's life.
- 3) Tests and other materials and procedures used for evaluating a child's abilities (a) have been properly and professionally evaluated for the specific purposes for which they are to be used, and (b) meet the test of reasonableness in the eyes of competent professional personnel.
- 4) The evaluation materials and procedures are provided and administered in the child's native language or mode of communication, unless it clearly is not feasible to do so.

- 5) Steps are taken to assure that a test administered to a student with a sensory, motor, speech, hearing, visual or other communicative disability or to a student who is bilingual, accurately reflects the child's ability in the area tested and not the child's impaired communication skill or the fact that the child is not skilled in English.
- 6) Whenever individual intelligence tests are administered, steps are taken to assure (a) that judgments about the child's placement are not based solely on an I.Q. score, (b) that a behavioral description and an interpretation of the child's functioning on the various subtests are made by the qualified examiner who administered the test, and (c) that the results of the evaluation are expressed in terms of the child's strengths, weaknesses, and needs.
- 7) The cultural differences of a child are taken into account in interpreting the assessment information.
- 8) No single test or type of test or procedure is used as the sole criterion for determining an appropriate educational program for the child.
- 9) The interpretation of the assessment information and the subsequent determination of the educational placement of the child is made by a team or group of persons.
- 10) All relevant information with regard to the functional abilities of the child is utilized in the placement determination.

g. Independent Education Evaluation

Parents shall have the right to an independent educational evaluation of their child when those parents have reason to question the appropriateness of the school's educational evaluation and proposed program recommendations.

Requests by parents for an independent educational evaluation should be made to the district superintendent or county superintendent when there is no district superintendent. The parents must state the reason(s) for their request for an independent evaluation. The local school district utilizing special education funds is responsible for the financial expense of the independent evaluation. Advance approval of any contract for an independent evaluation must be obtained from the Superintendent of Public Instruction.

The following is a delineation of responsibility of the parents, district or county superintendent and the Office of Public Instruction in an independent educational evaluation:

1) Parents

- a) The parents must direct a request for an independent educational evaluation in writing to the district superintendent or the county superintendent. The parents must state the reason(s) for such an evaluation.
- b) The parents must allow the local school district to complete a current evaluation (assessment during the school year) before requesting an independent evaluation.
- c) The parents must sign a consent for evaluation to be conducted by the independent evaluator(s).
- d) The parent must sign a release of information between the school district and the independent evaluator(s). The school district and the independent evaluator(s) must exchange all records concerning the child. All records and information from the independent evaluation become part of the child's school record.

2) District Superintendent

- a) Within 10 to 15 days of a request by parents for an independent evaluation of their child, the school district must submit a letter to the Office of Public Instruction stating the child's birthdate, initials, handicapping condition (if known), dates of evaluations and instruments used, and the parents' reason for an independent evaluation.
- b) When necessary, the school district will contract for the independent evaluation. This contract must have the prior approval of the Office of Public Instruction.
- c) Upon request by a parent for an independent evaluation, the school district shall:
 - 1) provide the parent with information as to where to get an evaluation;
 - 2) that the evaluation is at public expense,
 - 3) that the school district has the right to request a hearing to demonstrate the appropriateness of its evaluation.

3) Superintendent of Public Instruction

- a) The Superintendent of Public Instruction will assist the school district and parents in securing an appropriate independent evaluation(s).

- b) The Superintendent of Public Instruction will approve or disapprove the contract for independent educational evaluation. If the contract is disapproved, an alternative independent evaluation(s) will be offered.

If an evaluation is contracted and paid for privately, the results of that evaluation must be considered at the Child Study Team meeting and may also be presented as evidence at a hearing. Additionally, if as a result of a hearing, an independent evaluation is requested by the hearing officer, the evaluation will be at public expense. The criteria for all evaluations at public expense when requested by parents or hearing officers is the same criteria used for evaluations at district initiation.

h. Surrogate Parents

1) General

The state educational agency shall insure that the rights of a child are protected when the parents of the child are not known, unavailable, or the child is a ward of the state, including the assignment of an individual to act as a surrogate for the parents. This must include a method (1) for determining whether a child needs a surrogate parent, and (2) for assigning a surrogate parent to the child.

2) Criteria for selection of surrogates

- a) The state or local educational agency may select a surrogate parent in any way permitted under state law.
- b) State and local education agencies shall insure that a person selected as a surrogate:
 - (i) Has no interest that conflicts with the interests of the child he or she represents; and
 - (ii) Has knowledge and skills that insure adequate representation of the child.

3) Nonemployee requirements; compensation

- a) A person assigned as a surrogate must not be an employee of the state or local educational agency which is involved in the education or care of the child.
- b) A person who otherwise qualifies to be a surrogate parent under paragraph (2) and (3)(a) of this section, is not an employee of the agency solely because he or she is paid by the agency to serve as a surrogate parent.

- 4) Responsibilities. The surrogate may represent the child in all matters relating to:
 - a) The identification, evaluation, and educational placement of the child, and
 - b) the provision of a free appropriate public education to the child.

j. Aversive Treatment Procedures

Individual programs involving the use of aversive stimuli (i.e., restraint, shock, seclusion) shall be conducted only with the written consent of the affected student's parents and at the recommendation of the child study team and shall be described by specific behavioral objectives. Chemical restraint may never be used for punishment, for staff convenience or as a substitute for a program. Each use of physical restraint, aversive techniques or environmental seclusion shall be recorded in the student's file. This record shall include:

- 1) description of behavior to be modified;
- 2) evidence that less aversive measures have been tried;
- 3) expected behavioral outcome;
- 4) actual behavioral outcome;
- 5) if relevant, list possible secondary effects;
- 6) date for review or termination;
- 7) written parental permission.

k. Protection from Labeling Process

Child Study Teams shall assign a diagnostic label for each handicapped child following comprehensive evaluation. The label shall relate to various handicapping conditions defined in this manual. The diagnostic label is to be used for reports required by the Office of Public Instruction. Educational agencies should not refer to students, teachers or rooms by diagnostic labels as such practices do not facilitate treatment and are often harmful to the individual labeled. Parents shall be informed of the diagnostic category as it relates to the handicapping condition of their child.

l. Informal Negotiations

When parents question or express dissatisfaction with the details set forth in the notices that an educational agency provides them, the local education agency and Superintendent of Public Instruction shall attempt to clarify the question or resolve the difference directly with the parents by informal negotiations or some procedure other than a formal due process hearing.

Dissatisfaction could be with, but is not limited to, the proposed educational placement/program changes; refusals to

initiate or change the identification, evaluation or educational placement of the child; or the provisions of a free appropriate public education.

If such efforts fail, the procedures for complaints in Sections 48-2.18(14) - S18220 and S18230 of the Rules and Regulations shall be followed.

m. Opportunities to Present Complaints

Each agency shall establish written procedures which provide for parental presentation of complaints with respect to any matter relating to the identification, evaluation, educational placement of the child, or the provision of a free appropriate education for the child.

n. Impartial Due Process Hearing

Whenever a complaint has been received as outlined in Section 48-2.18(14)-S18220, the parents shall have an opportunity for an impartial due process hearing. The hearing process as outlined in the Rules and Regulations shall be followed, Sections 48-2.18(42) - P18760, P18770, P18780, see Attachment 4

o. Civil Action

Any party who has exhausted all administrative appeals and who has been aggrieved by the findings and decisions made in the hearing, or any party aggrieved by the decision of the reviewing officer, shall have the right to bring civil action with respect to the complaint presented pursuant to this subpart.

Such action may be brought in any State court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy.

In any action brought under this section, the court (1) shall receive the records of the administrative proceedings, (2) shall hear additional evidence at the request of a party, and (3) basing its decision on the preponderance of the evidence, shall grant such relief as the court determines is appropriate.

The district courts of the United States shall have jurisdiction of actions brought under this section without regard to the amount in controversy.

IMPLEMENTING PROCEDURAL SAFEGUARDS

The Office of Public Instruction, state education agency, shall insure effective implementation of procedural safeguards by providing technical

assistance, inservice training, and on-site monitoring reviews. In addition, Rules and Regulations and other materials pertinent to procedural safeguards shall also be made available to all public agencies as well as the general public.

VIII LEAST RESTRICTIVE ENVIRONMENT

Table Four, page 84-85, shows the number of handicapped children and their program placements. The full implementation of a Management Information System will supplement Office of Public Instruction monitoring activities to assure local education agencies compliance with the least restrictive environment, non-discriminatory assessment and due process issues. This plan, then, includes an unduplicated child-count and educational placement system assuring placement of handicapped children in the least restrictive alternative. When established and implemented this plan will be managed by the Office of Public Instruction.

MAJOR PROBLEM AREAS

The most striking feature in service delivery in Montana is land usage. In some areas, it is possible to find only one child in a 200 square mile area. Given one handicapped child in such a location, service is difficult and expensive. The Office of Public Instruction is committed to deliver service to such a child. The movement of children, while disturbing to families, is offered by law. Where movement is impossible, cross-district transportation sometimes works. When all such avenues have been explored, itinerant service can be used. Regular classroom teachers can be trained for tutorial assistance and specialists can conduct home coaching sessions with parents and aides where needed.

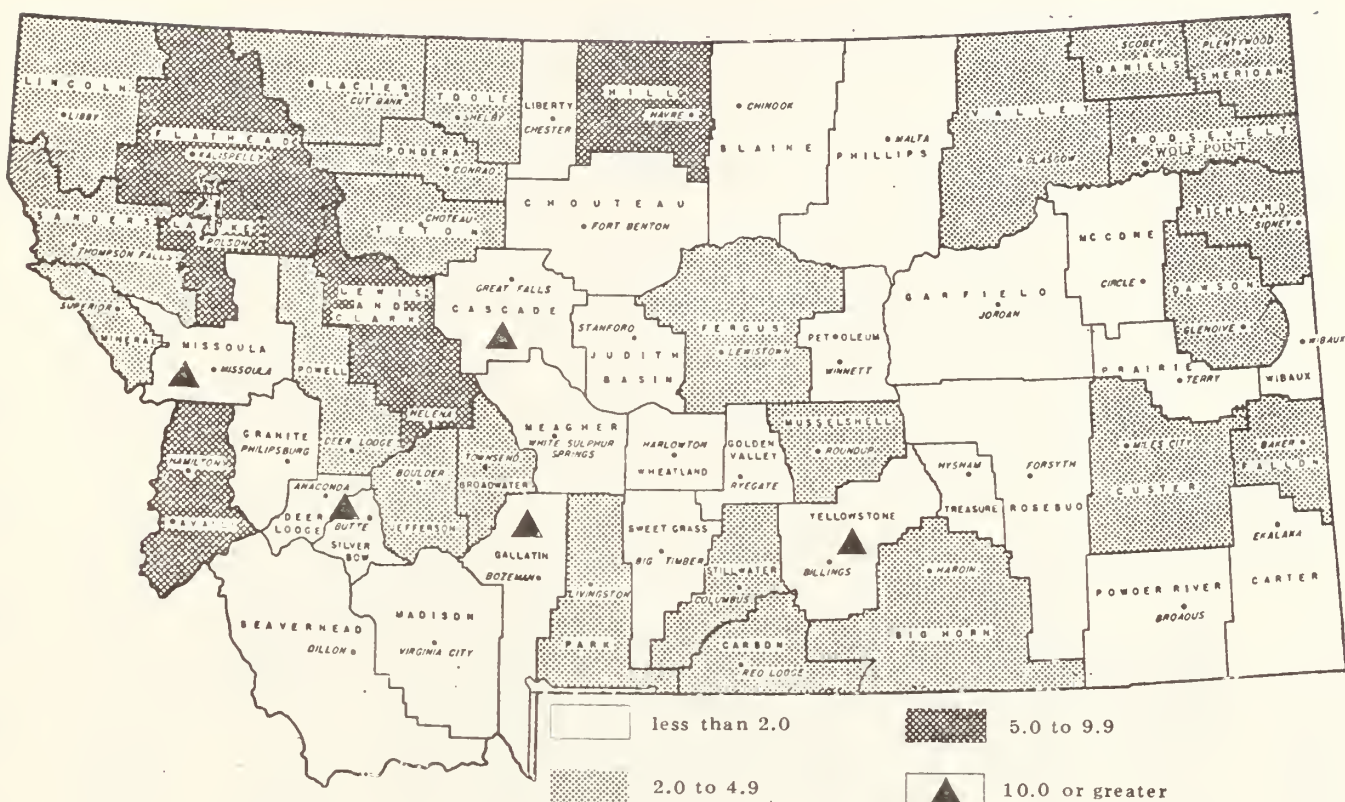
The map and data on the following pages illustrate the problem. The Office of Public Instruction now has a legal base for providing needed services and has plans as stated above to insure program flexibility, or a least restrictive environment.

IMPLEMENTATION OF REQUIREMENTS FOR LEAST RESTRICTIVE ENVIRONMENT

The Office of Public Instruction requires local education agencies to submit and update annually program narratives. With the review and approval of these narratives, and with the reports of on-site monitoring visits of public agencies, the Office of Public Instruction insures that all handicapped children to the maximum extent are receiving a free appropriate public education in the least restrictive environment.

NUMBER OF PERSONS PER SQUARE MILE, MONTANA COUNTIES

1970



Beaverhead	1.5	Granite	1.6	Powell	2.8
Big Horn	2.0	Hill	5.9	Prairie	1.0
Blaine	1.6	Jefferson	3.2	Ravalli	6.0
Broadwater	2.0	Judith Basin	1.4	Richland	4.7
Carbon	3.4	Lake	8.7	Roosevelt	4.3
Carter	0.6	Lewis & Clark	9.5	Rosebud	1.2
Cascade	30.6	Liberty	1.6	Sanders	2.5
Choteau	1.6	Lincoln	4.8	Sheridan	3.4
Custer	3.2	McCone	1.1	Silver Bow	58.6
Daniels	2.1	Madison	1.4	Stillwater	2.6
Dawson	4.7	Meagher	0.9	Sweet Grass	1.6
Deer Lodge	21.1	Mineral	2.4	Teton	2.6
Fallon	2.5	Missoula	22.2	Toole	3.0
Fergus	3.0	Musselshell	2.0	Treasure	1.1
Flathead	7.5	Park	4.3	Valley	2.2
Gallatin	12.8	Petroleum	0.4	Wheatland	1.8
Garfield	0.4	Phillips	1.0	Wibaux	1.6
Glacier	3.6	Pondera	4.0	Yellowstone	32.8
Golden Valley	0.8	Powder River	0.9		

TABLE 4. -- LEAST RESTRICTIVE ENVIRONMENT (continued)

DISABILITY	TOTAL RE-CEIVING SPECIAL EDUCATION IN SEPARATE CLASS			TOTAL NEEDING PLACE IN SEPARATE CLASS			SEPARATE SCHOOL FACILITY									TOTAL RE-CEIVING SPECIAL EDUCATION IN SEPARATE SCHOOL FACILITIES			TOTAL NEEDING PLACE IN SEPARATE SCHOOL FACILITIES			OTHER EDUCATIONAL ENVIRONMENTS (d)						TOTAL RE-CEIVING SPECIAL EDUCATION IN OTHER EDUCATIONAL ENVIRONMENTS			TOTAL NEEDING PLACE IN OTHER EDUCATIONAL ENVIRONMENTS		
	(9)			(10)			(11)			(12)			(13)			(14)			(15)			(16)			(17)			(18)			(19)		
	3 thru 5	6 thru 17	18 thru 21	3 thru 5	6 thru 17	18 thru 21	3 thru 5	6 thru 17	18 thru 21	3 thru 5	6 thru 17	18 thru 21	3 thru 5	6 thru 17	18 thru 21	3 thru 5	6 thru 17	18 thru 21	3 thru 5	6 thru 17	18 thru 21	3 thru 5	6 thru 17	18 thru 21	3 thru 5	6 thru 17	18 thru 21	3 thru 5	6 thru 17	18 thru 21			
MENTAL RETARDATION	31	374	91	496												0	37	0	37	3	18 thru 21										0	0	0
	1	11	0	12												0	0	0	0											0	0	0	
	1	0	0	1												0	0	0	0										0	0	0		
	0	9	0	9												0	0	0	0										0	0	0		
	2	0	0	2												0	0	0	0										0	0	0		
VISUALLY HANDICAPPED	0	68	6	74												0	14	0	14										0	0	0	0	
	6	10	1	17												0	3	0	0										0	7	0	7	
SERIOUSLY EMOTIONALLY DISTURBED	1	19	1	21												0	0	0	0										0	0	0	0	
	5	902	17	924												0	1	0	1										0	0	0	0	
HEALTH IMPAIRED																0	55	0	55										0	7	0	7	
SPECIFIC LEARNING DISABILITY																																	
TOTAL	47	1393	116	1556												0	55	0	55										0	7	0	7	

TABLE 4. - LEAST RESTRICTIVE ENVIRONMENT (Placement and number of handicapped children in each setting for school year 1976-1977*)													State Montana		Date							
DISABILITY	REGULAR CLASS (a)										TOTAL RECEIVING SPECIAL EDUCATION IN REGULAR CLASS		TOTAL NEEDING PLACEMENT IN REGULAR CLASS		SEPARATE CLASS (b)				SELF CONTAIN- ED SPECIAL CLASS IN A SPECIAL PUBLIC DAY SCHOOL FACILITY			
	REGULAR CLASS WITH INDIRECT SERVICES WITHIN REGULAR CLASS (1)			REGULAR CLASS WITH DIRECT SERVICES AND INSTRUCTION WITHIN REGULAR CLASS (2)			REGULAR CLASS WITH RESOURCE ROOM SERVICES (3)			TOTAL		TOTAL		SELF-CONTAINED SPECIAL CLASS ROOM WITH PART-TIME INSTRUCTION IN A REGULAR CLASS (6)		SELF CONTAIN- ED SPECIAL CLASS FULL- TIME ON A REGULAR SCHOOL CAMPUS (7)		SELF CONTAIN- ED SPECIAL CLASS IN A SPECIAL PUBLIC DAY SCHOOL FACILITY				
	3 thru 5	6 thru 17	18 thru 21	3 thru 5	6 thru 17	18 thru 21	3 thru 5	6 thru 17	18 thru 21	3 thru 5	6 thru 17	18 thru 21	3 thru 5	6 thru 17	18 thru 21	3 thru 5	6 thru 17	18 thru 21	3 thru 5	6 thru 17	18 thru 21	
MENTAL RETARDATION													84	1084	157	1325						
HARD OF HEARING													21	64	21	106						
DEAF													7	7	3	17						
SPEECH IMPAIRED													225	2408	62	2695						
VISUALLY HANDICAPPED													5	23	3	31						
SERIOUSLY EMOTION- ALLY DISTURBED													0	204	24	228						
ORTHOPEDICALLY IMPAIRED													17	70	2	89						
HEALTH IMPAIRED													9	64	8	81						
SPECIFIC LEARNING DISABILITY													28	2150	75	2253						
TOTAL													396	6074	355	6825						

NOTE: Data reported in columns (5), (10), (15), and (19), concerning needed services will be translated into facility projection by the U.S. Office of Education

*Placement refers to the handicapped child as determined by the Individualized Education Program.

LEGISLATION SUPPORTING A LEAST RESTRICTIVE ENVIRONMENT

The following legislation is included as support for the Office of Public Instruction to insure least restrictive environments.

- a. 20-7-411, Montana Codes Annotated, 1978: ESTABLISHMENT OF SPECIAL EDUCATION PROGRAM. All handicapped children in Montana are entitled to a free appropriate public education provided in the least restrictive alternative setting. To the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, shall be educated with children who are not handicapped. Separate schooling or other removal of handicapped children from the regular educational environment may occur only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactory. After September 1, 1977, the board of trustees of every school district must provide or establish and maintain a special education program for every handicapped person as herein defined between the ages of 6 and 18, inclusive. After September 1, 1980, such services shall be provided for all handicapped children between the ages of 3 and 21, inclusive.

The board of trustees of any school district may meet its obligation to serve handicapped persons by establishing its own special education program, by establishing a cooperative special education program, or by participating in a regional services program.

- b. Kinds of Services for the Handicapped

Individual assistance for a handicapped student shall be accomplished through utilization of the least restrictive educational alternative. Under the least restrictive educational alternative, handicapped students shall be educated, whenever possible, with students who are not handicapped. Removal of handicapped children from regular educational environment (e.g., placement in special classes or separate school facilities) will only occur when the nature or severity of the handicap is such that education in regular classes with use of supplementary aids and services cannot be achieved satisfactorily.

To meet the needs of each handicapped person, districts should afford children access to a variety of instructional service options. Every district cannot be expected to have all the necessary resources to develop as many services as are necessary to meet the needs of handicapped children in the district. Services will be developed as availability of qualified staff permits. Small school districts with a minimal number of handicapped students should seek to serve those students with programs and services coordinated with nearby districts and/or through regional services.

c. Resource Instruction and Service

Instruction from a resource service requires that the special education teacher be available to provide direct service to handicapped students who are enrolled in the regular instructional program. Resource instruction may be provided by a resource teacher working with handicapped students in the regular classroom or by removing the students to a separate resource room for some part of the school day. A student should not be removed from the regular classroom to a separate resource room unless the move is essential in meeting the specific needs of the child. The resource teacher is responsible for ongoing consultation and communication with the child's regular classroom teacher(s) regarding specific needs and recommendations of materials and instructional procedures, and to exchange information for parent conferences. The resource teacher and the regular instructional staff should coordinate their efforts and expertise frequently and systematically to best serve the student.

The special education teacher assigned to a resource program is responsible for assisting in Child Study Team assessment, translating strategies, preparing materials, providing instruction, maintaining appropriate records of progress and conferring with parents and regular teachers. The resource teacher should periodically follow-up on children who have been phased out of special education programs to determine their progress in the regular classroom.

d. Self-Contained Instruction

Service through special self-contained instruction results when the Child Study Team determines that a child exhibits an intellectual, adaptive, learning, social and/or emotional impairment so severe that removal from the regular instructional program for more than fifty percent of the school day is essential to promote appropriate learning and mental health conditions.

The teacher in a self-contained program is responsible for assisting in the Child Study Team assessment, translating assessment findings into appropriate educational objectives, and implementing and evaluating instructional procedures necessary to achieve these objectives. To ensure that capable students have an opportunity to return to the regular instructional program, it is important that a thorough system of referral, assessment, programming, and termination be developed. Communication with regular instructional staff, particularly with the regular classroom teacher, is of utmost importance and requires careful planning by all concerned.

e. Services to Homebound and/or Hospitalized Students

Services to any homebound and/or hospitalized students may be provided when a medical doctor verifies that a student is hospitalized or provides medical documentation and reasons for the student's need to remain out of school.

When the Child Study Team has completed a comprehensive education evaluation as outlined in Rule 48-2.18(18) - S18310, the service may be extended to the student. However, the procedure in Rule 48-2.18(18) - S18280 must be followed.

f. Out-of-District Services

If a school district is unable to provide services for its resident handicapped students or unable to provide services through cooperative services or regional services, the school district may have to use out-of-district placement. The decision to place a child out-of-district must be recommended by the resident district Child Study Team and approved by the resident district board of trustees. Placement made independently of the public school by the parents and/or other agencies relieves the public school of all financial obligations.

When a child is handicapped to such a degree that a totally controlled environment is needed, residential school placement may be essential. Room and board and tuition costs are considered allowable costs in the district's special education budget.

A district must, first, make a reasonable attempt to secure and utilize in-state resources before out-of-state placement will be approved.

If the child is currently in an out-of-district program, the resident school district should request the child's parents to make a formal written request to the receiving district to release their child's school records.

It is the resident district's responsibility to convene the Child Study Team and set the time and place for conducting a review of the child's needs and educational placement. The receiving district is responsible for providing program monitoring and assisting the resident district with conducting an annual review of the child's program and progress. The receiving district shall provide pertinent data regarding the child's program and progress to the resident district and parents.

The resident district and receiving district should form a joint Child Study Team to consider the evaluation data and

explore program options. Travel funds to facilitate this process must be approved by the Office of Public Instruction prior to the two districts convening a joint Child Study Team.

A regional service staff will provide supportive services when such services are not available through the local district. Please refer to Rule 48-2.18(18) - S18270, Composition of a Child Study Team.

The resident school district is required to budget for room and board costs (0555-Transportation) in its special education budget. Budget approval does not mean the school district has authorization to send a specific child out of the district. Approval shall also be obtained from the school district or agency which is providing the services. Program evaluation is the responsibility of both the resident school district and the providing school district or agency.

If a handicapped child is placed out-of-state, tuition charges are covered under Contracted Services 01-01-0280. (Special Education budget).

It is the responsibility of the resident school district to ensure that an out-of-district living facility is an appropriately licensed facility. An inquiry should be made to the local Social and Rehabilitation Services Division in order to secure appropriate facilities. The local division can provide the school district with a list of homes which are licensed and/or procedures by which a home can be licensed. Payment schedules should follow rates set by Social and Rehabilitation Services Division. Any deviation from that schedule should be based on severity of handicap and shall receive concurrence from Social and Rehabilitation Services and approval from the Superintendent of Public Instruction.

To ensure that the request for an out-of-district placement is appropriate and follows the Special Education Rules and Regulations, the following items must be addressed:

g. Resident School District Responsibility

- 1) The resident school district will assure that all students considered for out-of-district placement shall be processed by a resident Child Study Team and approved by the board of trustees.
- 2) The resident school district will assure that the Child Study Team, in recommending out-of-district placement, has:
 - a) Identified service options outside of the district.
 - b) Outlined reasons why services cannot be provided by the resident district.

- c) Specified date requested for placement.
 - 3) The resident school district will investigate placement options and assure that the selection of placement is in keeping with the least restrictive alternative.
 - 4) The resident school district will make transportation arrangements.
 - 5) The resident school district will specify criteria for the student's return to the resident district.
 - 6) The resident school district will outline provisions for program monitoring and annual review.
- h. Receiving School District Responsibility
- 1) The receiving school district will form a Child Study Team to determine acceptance and whether appropriate services can be offered.
 - 2) The receiving school district will conduct periodical review and report results to the appropriate official of the resident district.
- i. Resident School District Continuing Responsibilities
- 1) The resident school district will conduct an annual review of each child placed out-of-district.
 - 2) Through the Child Study Team, the resident school district will make recommendations, annually, for either continued out-of-district placement or termination.
 - 3) Based on the Child Study Team reports, the resident school district will submit a recommendation to the Superintendent of Public Instruction for continued out-of-district placement.

MONITORING ACTIVITIES

As outlined in Section XVI of this plan the SEA shall monitor all educational programs for the handicapped to insure compliance with state and federal mandates. This includes the review of and assurance from private and public institutions to implement the requirements of serving children in the least restrictive environment.

Through the distribution of rules and regulations, the on site monitoring reviews, inservice training activities and SEA technical assistance efforts, LEAs are informed of their responsibilities regarding the requirements of least restrictive environment.

Pursuant to sections 48-2.18(22)-S18380, 18310, 18320 and 18330 (see Attachment #1) of the Montana Special Education Rules and Regulations local education agencies are required to provide services to handicapped children in the least restrictive environment, based on the IEP, and revised annually.

In the event that an LEA is discovered to be in non-compliance with this section, formal review procedures would be implemented as outlined in Section XVI of this plan.

IX. PROTECTION IN EVALUATION PROCEDURES

A. MONTANA LEGISLATION

The following is taken from Title 20, Chapter 7, Montana Codes Annotated, 1978.

20-7-402. CONDUCT OF SPECIAL EDUCATION TO COMPLY WITH BOARD OF EDUCATION

POLICIES. The conduct of special education programs shall comply with the policies recommended by the superintendent of public instruction and adopted by the board of public education. These policies shall assure and include, but are not limited to:

- a) placement of handicapped children in the least restrictive alternative setting;
- b) due process for all handicapped children;
- c) use of child study teams to identify handicapped children and use of instructional teams to plan individual education programs;
- d) comprehensive evaluation for each handicapped child; and
- e) other policies needed to assure a free and appropriated public education.

20-7-403. DUTIES OF SUPERINTENDENT OF PUBLIC INSTRUCTION. The superintendent of public instruction shall supervise and coordinate the conduct of special education in the state by:

- (1) recommending to the board of public education for adoption of those policies necessary to establish a planned and coordinated program of special education in the state;
- (2) administering the policies adopted by the board of public education;
- (3) certifying special education teachers on the basis of the special qualifications for such teachers as prescribed by the board of public education;
- (4) establishing procedures to be used by school district personnel in identifying handicapped children;
- (5) recommending to districts the type of special education class or program needed to serve the handicapped children of the districts and preparing appropriate guides for developing individual education programs;
- (6) seeking for local districts appropriate interdisciplinary assistance from public and private agencies in diagnosing the special education needs of children, in planning programs, and in admitting and discharging children from such programs.

NON-DISCRIMINATORY TESTING AND EVALUATION

Taken from the Montana Special Education Rules and Regulations.

Each educational agency shall establish procedures to assure that testing and evaluation materials and procedures used for evaluation and placement of handicapped children are selected and administered so as not to be racially or culturally discriminatory.

The procedures that are developed by each educational agency shall be established in accordance with the following criteria:

- 1) Evaluation and placement procedures are administered in accordance with the following procedural safeguards:

Each participating school district and/or other participating agencies will be required to provide the Superintendent of Public Instruction with a written notice which will assure the Superintendent that personally identifiable data collected by that agency will be maintained in a confidential manner. In addition to the requirements found in Standards 161 and 162, Standards for Accreditation of Montana Schools, this notice must include:

- a) The name and position of the persons assigned by the agency responsible for maintaining all personally identifiable student information in a confidential manner.
 - b) That all data forms are maintained in secure storage.
 - c) That the agency annually maintains a list of all persons who legitimately have access to those data.
 - d) That the agency provides training for persons having access to these data. Such training shall relate to the confidentiality of the records, existing local, state and federal regulations relating to access and dissemination of records, rights of the child and parents to the confidential maintenance of records.
- 2) The determination of a child's need for special education and related services is based on a comprehensive evaluation, which may include but is not limited to (a) an individual psychological examination, (b) relevant physical information, (c) appropriate achievement testing and evaluation of classwork, (d) direct observations in a variety of functioning environments, (e) assessment of the social skills and emotional status, and (f) interviews with, or information provided by, important and involved persons in the child's life.
 - 3) Tests and other materials and procedures used for evaluating a child's abilities (a) have been properly and professionally evaluated for the specific purposes for which they are to be used, and (b) meet the test of reasonableness in the eyes of competent professional personnel.
 - 4) The evaluation materials and procedures are provided and administered in the child's native language or mode of communication, unless it clearly is not feasible to do so.

- 5) Steps are taken to assure that a test administered to a student with a sensory, motor, speech, hearing, visual or other communicative disability or to a student who is bilingual accurately reflects the child's ability in this area tested and not the child's impaired communication skill or the fact that the child is not skilled in English.
- 6) Whenever individual intelligence tests are administered, steps are taken to assure (a) that judgments about the child's placement are not based solely on an I.Q. score, (b) that a behavioral description and an interpretation of the child's functioning on the various subtests are made by the qualified examiner who administered the test, and (c) that the results of the evaluation are expressed in terms of the child's strengths, weaknesses, and needs.
- 7) The cultural differences of a child are taken into account in interpreting the assessment information.
- 8) No single test or type of test or procedure is used as the sole criterion for determining an appropriate educational program for the child.
- 9) The interpretation of the assessment information and the subsequent determination of the educational placement of the child is made by a team or group of persons.
- 10) All relevant information with regard to the functional abilities of the child is utilized in the placement determination.

Evaluation by the Child Study Team

No child shall receive special education services until a Child Study Team has performed an appropriate comprehensive assessment which yields evidence that the child has learning and/or behavioral problems requiring a specialized service not afforded by the regular program.

- 1) Areas of assessment shall include, when appropriate but not limited to, the following categories:
 - a) Scholastic--this area shall include assessment of the intellectual, language and communication, academic and self-help skill status of the child.
 - b) Physical--this area shall include assessment of the general health status of the child, with particular attention to the visual, auditory, musculo-skeletal, neurological and developmental modalities.
 - c) Adjustment--this area shall include assessment of the social skills and emotional status of the child.

- 2) Assessment results shall be summarized in writing, dated and signed by the individual(s) responsible for conducting the assessments. The report shall be kept with the child's permanent records as required in Standard 161, Standards for Accreditation of Montana Schools.
- 3) Summaries shall include procedures and instruments used, results obtained and apparent significance of findings as related to the child's instructional program.

Assessments in each of the areas stated shall take into account, but not be limited to, the age, maturation, and background of the child.

Since conditions which cause a child to be handicapped can have the effect of depressing or distorting standardized intelligence and achievement test scores, these scores should not be used as the only criterion in determining a child's need for services. Therefore, a Child Study Team in conjunction with the parents will determine the appropriate educational program for a handicapped child.

Individual tests of mental measurement (I.Q. results) done by an agency may be utilized by a Child Study Team if that agency is recognized by the Superintendent of Public Instruction (i.e., Child Development Center, Mental Health Center, Boulder River State School and Hospital). Psychologists participating on a Child Study Team must be approved by the Superintendent of Public Instruction.

When a school psychologist and Child Study Team utilize the test results of another agency or person, that school district assumes responsibility for accuracy of the psychological information.

An evaluation of the child, based on procedures which meet the requirements under Rule 48-2.18(18) -S18290 is conducted every three years or more frequently if conditions warrant or if the child's parent or teacher requests an evaluation.

COMPOSITION OF A CORE CHILD STUDY TEAM

A Child Study Team shall consist of a regular classroom teacher, principal, or designee and the special education person who may serve the child. Parents shall be afforded the opportunity to participate in the child study process. Generally, school psychologists and speech pathologists will complement any team.

In addition to the required professional members on a particular Child Study Team, utilization of other expertise is recommended and required in many instances. The Child Study Team may determine what other specialities may be needed to complete an appropriate evaluation.

Secondary school Core Child Study Team will require other individuals at the discretion of the parents or agency to accomodate a particular student's needs (i.e., vocational rehabilitation counselor, psychologist, nurse, special needs counselor, etc.).

REVIEW/REEVALUATION

Each educational agency shall set forth procedures to assure:

That each child's individualized education program is reviewed and revised periodically, but not less than annually.

That a comprehensive educational reevaluation of the child, which is based on Rule 48-2.18(14) - S18150 and S18260, is conducted whenever conditions warrant, but no less than once every three years. A comprehensive educational evaluation will be made at the request of the child's parents or teachers.

PLACEMENT/PROGRAM MAINTAINED

A child shall continue, temporarily, in the current placement whenever parents do not give written consent for a change in their child's educational program, except in a case where the current placement endangers the health or safety of the child or other children and/or substantially disrupts the educational programs of other children or if applying for initial admission to a public school, shall with the consent of parents or guardian, be placed in the public school program until all such legal proceedings have been completed. In this case, Rule 48-2.18(14) - S18120(1), items vi and vii shall be followed.

CHILD STUDY TEAM PROCESS

The child evaluation relates to a process which involves a group of persons, including the parents, who are charged with the responsibility of gathering all the pertinent data possible regarding an individual child to determine the child is handicapped, what the child's education needs are, and what service options might be best utilized to deliver the services to the child.

The process or procedures that each Child Study Team utilizes to gain the important information relating to a particular child will vary depending on the needs of the child, organization of the agency(s) providing educational services, and unique situations related to availability of resources.

Individual members of each Child Study Team are charged with the responsibility of conducting their part of the evaluation as appropriate to their professional skills and training, and to summarize in writing their evaluation results, identify the instruments or methods used to gain the data, and make recommendations to providing services to the child. They are responsible for using non-discriminatory testing and evaluation procedures as outlined in Rule 48-2.18(14) - S18150. The summary of the evaluation and recommendations are to be filed in the student's educational records, interpreted to parents and made available to the chairperson of the Child Study Team for educational planning.

Once a decision is made by the Child Study Team that a child is handicapped and is not receiving an appropriate education in the present educational program, the district has 30 days in which to initiate the appropriate changes in the child's program.

COMPOSITION OF SPECIFIC CHILD STUDY TEAMS

Mentally Retarded

In addition to the core team, a school psychologist is a required member of the Child Study Team.

Orthopedically Impaired

In addition to the core team, a physician's report and pertinent medical information shall be obtained and utilized in the development of the child's individualized education program.

The Child Study Team shall determine the child's educational needs resulting from the orthopedic handicap including the need for changes in the physical environment, physical therapy and occupational therapy. Physical and occupational therapy are the school's responsibility only if the orthopedic problem interferes with the student's ability to acquire academic and vocational skills. Generally, orthopedically handicapped children should be accommodated in the regular classrooms, unless there is a significant orthopedic handicap.

Visually Handicapped

In addition to the core team, a vision consultant should be

utilized by the Child Study Team when indicated by the severity of the handicap. The team shall also utilize a current evaluation from an opthamologist or optometrist.

The team must develop an appropriate educational program based on a comprehensive team assessment. District and state services should be coordinated to ensure comprehensive services without unnecessary duplication.

Deaf and Hard-of-Hearing

In addition to the core team, a consultant for the hearing impaired, audiologist and speech pathologist may be needed. The team shall also utilize a physician's report and pertinent medical information. The team will develop an appropriate educational program based on a comprehensive team assessment. District and state services should be coordinated to ensure comprehensive services without unnecessary duplicaton.

Speech/Language Impaired

In addition to the core team, a speech pathologist will comprise the Child Study Team.

Other Health Impaired

The team shall consist of a core team plus other personnel as determined necessary for health impaired. In addition, eligibility for homebound program must be documented by a physician.

Specific Learning Disabilities

Core team plus teacher with training in the area of specific learning disabilities or teacher or administrator with knowledge in the area of specific learning disabilities and the school psychologist, speech therapist, and other appropriate professional individuals.

Emotionally Disturbed

Core team plus a qualified psychologist and/or a (licensed/certified) psychiatrist.

RECORD OF CHILD STUDY TEAM

Each Child-Study Team member shall sign the Child Study Report and file in the child's folder. If a team member(s) disagrees with the majority in a placement decision, then a statement is to be prepared, signed, dated, and included in the child's folder by the dissenting member(s). The statement is to be viewed as a potentially helpful alternative for the child.

PERIODIC REVIEW OF INDIVIDUALIZED EDUCATION PROGRAM

Each agency and parents shall establish or revise an individualized education program for each handicapped child before the beginning of each school year. They will then review and, if appropriate, revise its provisions periodically but not less than annually. Parents shall have the opportunity to review their child's individualized education program and be given the opportunity to assist in scheduling the meetings at a mutually agreed time and place.

The notice of the meeting should include the following information:

- 1) The date, time and place of review conference.
- 2) A core team will participate in the review
- 3) A description of procedures to be used in the review.
- 4) A statement that the parents will receive the findings and recommendation of the staff's review within 10 days after completion of the review.

The conference shall be summarized in writing, dated and signed by persons present. Content of the summary shall follow the outline of the individualized education program. A copy of the summary shall be provided to parents.

DURATION OF PLACEMENT

A child may not receive service under special education without an annual review which determines the program's appropriateness for the child.

Short-term placement (six week maximum) is permissible for diagnostic teaching and/or trial therapy. Written parental approval, in addition to an evaluation by the appropriate Child Study Team, is required for short-term placement.

B. PROCEDURES FOR IMPLEMENTING EVALUATION SYSTEM

The Office of Public Instruction plans two major efforts in providing for protection in the evaluation process. First, development of a "best practices" manual for assessment will be completed. Second, technical assistance and inservice training will be provided to local education agencies personnel (psychologists, teachers, administrators) regarding non-discriminatory assessment methodologies. Assistance for these efforts will be provided by the RRC in Eugene, Oregon and faculty from Montana Institutions of Higher Education, the Montana Intertribal Policy Board, and other minority group representatives.

The Office of Public Instruction will as a part of the on-site monitoring process, randomly select individualized education program records of assessment to determine what tests, which testers and what norms have been used for evaluation criteria. Within this year, the sampling procedure will arrive at conclusion showing how well protection in evaluation has been followed by local education agencies. See Attachment #2.

As a part of the on-site monitoring process the Child Study Team Records (i.e. comprehensive evaluation) are evaluated as to documentation supporting the resulting handicapping condition. As part of this evaluation each such record is evaluated for evidence that; a comprehensive evaluation has been conducted by multi-disciplinary team, that the evaluation data support the diagnosis and that non-discriminatory assessment was employed (if necessary). In addition, in monitoring general district characteristics information is gathered as to the presence of any minority or culturally different children requiring non-biased assessment.

X. COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT

A. PROGRAM AND PROCEDURES

The Montana Comprehensive System of Personnel Development (CSPD) is a cooperative effort among the Office of Public Instruction, Institutions of Higher Education, Educational Cooperatives, Professional Organizations, Community Agencies, Parent Organizations, Local School Districts and other agencies providing services to the handicapped. Activities are underway to further the exchange of program information among agencies and organizations which will facilitate participation in the development, review and annual updating of the comprehensive system of personnel development.

1) Input and Implementation

The implementation of a comprehensive system of personnel development involves bringing together numerous programs and personnel with the recognition that individual components of the system represent different levels of development. A series of cooperative activities have been implemented within the state which provide a structure and format for greater input and direct involvement of interested persons in inservice training, preservice training and dissemination activities.

- a) Montana Special Education Advisory Panel (Attachment #11)
This group meets quarterly with SEA staff to provide input to the administration of special education programs in Montana. The panel is organized into five (5) subcommittees which correspond to the organizations of the Special Education Unit, Office of Public Instruction.
- b) Committee on Cooperative Manpower Planning: Education of the Handicapped (Attachment #11). This group meets as an interagency and interorganizational committee for the primary objective to develop a cooperative intrastate plan to facilitate the preparation of personnel to meet the needs of handicapped children and youth. While this group is in an early stage of development, it represents a factor in the success of CSPO.
- c) Consortium of Higher Education/Special Education (Attachment #11)
This group consists of representatives from Montana Colleges and Universities (Public and Private) and the Special Education Unit, Office of Public Instruction to plan and carry out activities designed to increase the effectiveness and efficiency of personnel preparation programs in the state.

- d) Policy Board of the Montana University Affiliated Program Satellite (Attachment #11)

This group consists of representatives from major components in the state's service delivery system for the developmentally disabled. The major goal of the MUAPS is to support and enhance the state's service delivery system for the developmentally disabled and work to advance the capabilities of that system through the accomplishment of programs of exemplary service, personnel preparation and resource development.

2. Needs Assessment

Special Education Services are provided to handicapped children and youth through local school district programs, special education cooperatives, and contracted services. Additional services are provided to handicapped children and their families through programs operated by non-profit community agencies funded by the Department of Social and Rehabilitative Services, Developmental Disabilities Division.

The need for trained personnel varies across the state with the greatest general needs existing in the large number of rural isolated school communities. These schools represent approximately 35% of the total number of elementary schools while at the same time account for approximately 4% of the elementary school enrollment. These schools, having less than four teachers, are continuing to experience difficulty in recruiting and maintaining staff who are trained to provide services to handicapped students. School districts located in larger population centers are better able to attract trained special education personnel, but are experiencing difficulty in meeting the demand for inservice training now coming from the regular classroom teachers working with mildly and moderately handicapped students.

Needs assessment data from local school districts indicate that training continues to be required in the areas identified in last year's needs assessment. These areas include:

- a) Diagnostic procedures
- b) Implementation of P.L. 94-142
 - 1) Individual Education Programs
 - 2) Least restrictive environment
 - 3) Procedural safeguards
 - 4) Use of surrogates
 - 5) Priorities
 - 6) Non-discriminatory testing
 - 7) Curriculum development for emotionally disturbed and specific learning disabled students

The number (FTE) of special education personnel providing services to handicapped children and youth in local school districts are reported in the following table:

STATEWIDE SUMMARY OF FULL TIME EQUIVALENT PERSONNEL BY TYPE BY FUNDING SOURCE

OCTOBER 1978

PROFESSIONAL

AIDE

PERSONNEL TYPE	STATE	FED.	REG.*	TOTAL	STATE	FED.	REG.*	TOTAL
Teacher of Self-Contained Class	254.3			254.3	181.8			181.8
Resource Room Teacher	447.6	2.0	4.0	453.6	126.6		1.0	127.6
Itinerant/Consulting Teacher	20.1		15.0	35.1	1.4		2.0	3.4
Home-Hospital Teacher	12.3			12.3				
Voc. Educ. Special Needs Teacher	9.6			9.6	1.0			1.0
Work Study Coordinator	8.5	.5		9.0				
Adaptive Phys. Educ. Teacher	8.3	1.0		9.3	1.0			1.0
Counselor	13.9			13.9	.3			.3
Special Educ. Super. (Not Speech)	39.8		8.0	47.8	1.0			1.0
Speech Pathologist	157.2		4.5	161.7	1.5			1.5
Speech Supervisor	3.6		1.0	4.6				
Audiologist	6.3		4.7	11.0	1.7		5.0	6.7
Psychologist	83.5		12.1	95.6	1.5			1.5
School Social Worker	5.4			5.4				

* Means Regional Services

STATEWIDE SUMMARY OF FULL TIME EQUIVALENT PERSONNEL BY TYPE BY FUNDING SOURCE
(CONTINUATION)

OCTOBER 1978

PERSONNEL TYPE	PROFESSIONAL				AIDE	
	STATE	FED.	REG.*	TOTAL	STATE	FED.
Occupational Therapist	3.0			3.0		
Physical Therapist	5.0			5.0		
Recreation Therapist	1.0			1.0		
Nurse	7.0			7.0		
Other Non-Instructional Prof. Staff	5.9			5.9		
TOTAL	1092.3	3.5	49.3	1145.1	317.8	8.0
						325.8

* Means Regional Services

3. Inservice Training

The Montana Office of Public Instruction Inservice Training Project for Personnel Serving Handicapped Children represents a major effort to provide inservice training to administrators, general and special education instructional personnel, related services and support personnel, parents and others. This project is funded through a program assistance grant approved by the Division of Personnel Preparation Bureau of Education for the Handicapped. This document is included in Attachment #11. The content and nature of training activities are developed to meet local, regional, or statewide needs in the following priority areas:

- a) Developing, implementing and evaluating appropriate educational services for handicapped children.
 - 1) Federal and state statutes and regulations
 - 2) Identification, referral, comprehensive evaluation, individualized education program development and review. (Child Study Team Training)
 - 3) Due process and procedural safeguards
 - 4) Non-discriminatory assessment
 - 5) Best practices and procedures
- b) Specialized training for personnel providing educational services to severely handicapped students.
- c) Cooperative efforts in assessing needs, service delivery and evaluation of inservice and preservice training.

Training activities are carried out in one and two day workshops with local district personnel, special study institutes for multi-district personnel, regional workshops, and special study institutes held during the school year and during the summer on a statewide basis. In addition training sessions conducted in-state and out-of-state by various training organizations provide specific training opportunities for personnel serving handicapped students in Montana. These include workshops held in conjunction with the Montana Education Association, Montana Council for Exceptional Children, School Administrators of Montana, Montana Association of County Superintendents, National Council of Exceptional Children, Association for Education of Severely and Profoundly Handicapped, Institute for Pluralistic Assessment Research and Training, Northwest Regional Resource Center and Units of the Montana Higher Education System.

4. Preservice Training

Preservice training in Montana is carried out through programs offered by six (6) units of the higher education system. In

addition, there are three private colleges and three community colleges within the state which offer coursework and experiences to prepare personnel to assume positions in programs serving handicapped children and youth.

University of Montana Missoula	Undergraduate and graduate programs
Montana State University Bozeman	Undergraduate and graduate programs
Western Montana College Dillon	Undergraduate and graduate programs
Montana College of Mines Butte	Undergraduate and graduate programs
Eastern Montana College Billings	Undergraduate and graduate programs
Northern Montana College Havre	Undergraduate and graduate programs
College of Great Falls Great Falls	Private, undergraduate programs
Carroll College Helena	Private, undergraduate programs
Rocky Mountain College Billings	Private, undergraduate programs
Dawson College Glendive	Community college
Miles City College Miles City	Community college
Flathead Valley College Kalispell	Community college

A comprehensive survey of preservice training programs within the state is in process through cooperative efforts of the Office of Public Instruction, Institutions of Higher Education, and the Consortium of Higher Education/Special Education. Specialized training programs currently preparing personnel include:

Special Vocational Needs Program at Northern Montana College in cooperation with Eastern Montana College.

Special Education and Rehabilitative Services Programs at Eastern Montana College.

Adaptive Physical Education Training Program at Montana State University.

Speech Communication Training Program at Montana State University in cooperation with the University of Montana and Montana Easter Seal Society.

Speech Pathology and Audiology Training Program at University of Montana.

Special Education Training Programs at Carroll College, Rocky Mountain College, and the College of Great Falls.

5) Dissemination Section

The state educational agency uses a variety of strategies to provide dissemination services to educational practitioners throughout the state. In addition to the dissemination and technical assistance services of the SEA special education staff, the Office of Public Instruction provides other dissemination services through the Division of Resources and Assessment.

Searches of ERIC, NICSEM, and other computerized data bases of interest to educators are provided to educators in the state. Full document delivery of ERIC microfiche and photocopies of journal articles is provided as part of this search service. Many special education staff from throughout the state have participated in linker training programs provided through Montana's Dissemination Capacity Building Program funded by NIE, and these persons regularly channel resource requests for local practitioners through the SEA.

In addition to search services of nationwide data bases, Montana is now beginning to establish a computerized file of documents, programs, practices, and human resources in all areas of education in Montana. This file will include special education information where appropriate, of course, and access to the file will be provided through established channels.

Montana is now participating in the National Diffusion Network. The coordinator of the three State Facilitators is Manager of the Division of Resources and Assessment, and he is conveniently located, both organizationally and physically, to coordinate NDN activities with the SEA special education staff.

6) Technical Assistance

The Office of Public Instruction provides technical assistance to local education agencies (LEA) to assist them with the implementation of the state's Comprehensive System of Personnel Development. This technical assistance is provided by personnel from the Special Education Unit as well as from other program units within the office. Copies of the Montana Rules and Regulations, P. L. 94-142 Rules and Regulations, and the Montana Inservice Training Plan are distributed to district and county administrators and special education directors as reference and planning guides. Inservice training and on-site visitations afford the opportunity for follow-up technical assistance to meet specific needs.

7) Evaluation

Information gathered from the following sources will provide base-line data for an effective evaluation of the comprehensive system of personnel development in Montana:

- a) A special education computer-based management information system provides data regarding the number of instructional and support personnel currently serving handicapped children. The system will also provide the program reports required for an analysis of the professional status of all personnel providing services to handicapped children and youth in the state.
- b) Reports gathered from the Montana institutions of higher education provide information regarding qualified graduates eligible for employment in programs serving handicapped children.

The Office of Public Instruction will continue to monitor the LEA's progress in providing staff training resulting in full implementation of a state system of personnel development.

B. DATA REQUIREMENT

The following table is a revision of Table 5, 1977-78 indicating SEA personnel projections for inservice training.

TABLE 5 - INSERVICE TRAINING FORM (1977-1978 school year)

* Special class teachers, Resource Room teachers, Itinerant/Consulting teachers, Speech Pathologists, Recreational Therapists, Occupational Therapists, Audiologists, School Social Workers, Teacher Aides, Volunteers are all included under Special Class teacher.

XI. PARTICIPATION OF PRIVATE SCHOOL CHILDREN

A. POLICIES AND PROCEDURES -

Federal law requires that the Annual Program "set forth policies and procedures to assure . . . that, to the extent consistent with the number and location of handicapped children in the state, who are enrolled in private elementary and secondary schools, provision is made for the participation of such children in the program assisted or carried out under Part B by providing for such children special education and related services."

The state has policies which implement the requirements of Federal law to the extent consistent with the number and location of handicapped children in the state who are enrolled in private elementary and secondary schools, and provision will be made for the participation of these children in the programs assisted or carried out under Part B by providing special education and related services for these children. The State of Montana in cooperation with local educational agencies and non-public schools will develop a process for identifying and locating all handicapped children attending the private schools in Montana. The following Policy Statement addresses services to nonpublic school children:

a) SERVICES TO NONPUBLIC SCHOOL CHILDREN (State Funds)

This policy relates specifically to the use of state equalization monies to provide services to children enrolled in nonpublic schools. The local school district may provide services to nonpublic school pupils if those pupils come onto the public school grounds for direct services. Screening services will be made available on the nonpublic school premises in order to find handicapped children that are attending the nonpublic school. Once a child is identified then the services must be provided on the public school grounds and if the child is identified by the screening/diagnostic process as being handicapped, then the parents of the child, not the nonpublic school, should bring the child to the public school and make a request for the services.

b) CONTRACTED SERVICES FOR PUBLIC SCHOOL CHILDREN PLACED IN NONPUBLIC SCHOOLS

If a child is enrolled within the public schools and is in need of special education outside the district, that district may contract with a nonpublic school for the services provided that the services meet the needs of the child and that the nonpublic school providing the services follows the provisions established under the Special Education Rules and Regulations.

c) SERVICES TO NONPUBLIC SCHOOL CHILDREN (Federal Funds)

Under the Education of the Handicapped Act, Part B, federal dollars may be used to hire staff to serve a nonpublic school at a level equal to the public school service. These monies can only flow

through the local school district and all staff employed are employees and under the supervision of the local school district, not the nonpublic school. Programs operated for children in nonpublic schools must comply with Montana Special Education Rules and Regulations.

- d) The state education agency through on-site monitoring visits and the provision of technical assistance shall insure that each local education agency:
 - 1) Provides special education and related services to meet the needs of private school children in its jurisdiction, and,
 - 2) Provides genuine opportunities to handicapped children in private schools to participate in special education and related services consistent with the number of those children and their needs.
- e) EHA-B funds used to support the education of the handicapped children in private schools will not include the payment of salaries of private school personnel except for services performed outside their hours of duty and under public supervision and control nor must these services include the use of equipment purchased with Part B funds, other than mobile or portable equipment on private school premises, or the construction of private school facilities. Title to and administrative control over above mentioned portable or mobile equipment must be maintained by the state or local agency, which will also be responsible for monitoring the use, availability and removal of such equipment.
- f) Each state and local agency providing educational and related services to children enrolled in private schools will maintain administrative control and direction over these services.
- g) The state education agency will insure that the number and types of children who will participate in these programs and the types of services provided be made on a basis comparable to procedures of handicapped children in public schools.
- h) Public school personnel may be made available in other than public school facilities only to the extent necessary to provide services required by handicapped children for whose needs those services were designed and only when those services are not normally provided by the private school.
- i) Services may be provided to private school handicapped children through such arrangements as dual enrollment, educational radio and television, and the provision of mobile educational services and equipment.
- j) A local school district may provide services to private school handicapped children which are different from services to public

school children, if:

- 1) The differences are necessary to meet the special needs of the private school handicapped children, and,
 - 2) The special education and related services are comparable in quality, scope and opportunity for participation to those provided to public school children with needs of equal importance.
- k) Programs and projects to be carried out in public and/or private facilities and involving joint participation by handicapped children enrolled in private programs and public schools will not include classes that are separated on a basis of school enrollment or children's religious affiliation.
- l) Local education agencies will be accountable for all EHA-B expenditures, and will insure that:
- 1) EHA-B funds will not be used for the construction of private school facilities,
 - 2) Records are kept to account for all equipment purchased with EHA-B monies,
 - 3) EHA-b funds will not directly benefit private schools, and,
 - 4) EHA-B funds will not be used to maintain the existing level of instruction in private schools.

B. IMPLEMENTATION PROCEDURES

The procedures to be undertaken by Montana to assure participation of private school children will be as follows:

- a) Local school districts which have private schools within their boundaries will provide statement of assurances relative to private schools when submitting projects under EHA-Part B.
- b) The state education agency will monitor public agencies regarding the access to services by the private schools regarding handicapped students needs and access to services.

STATE LAW

The state law on compulsory attendance is as follows:

20-5-102, M.C.A., 1978. "COMPULSORY ENROLLMENT AND EXCUSES.

Any parent, guardian or other person who is responsible for the care of any child who is seven (7) years of age or older prior to the first day of school in any school fiscal year and has not yet reached his sixteenth birthday and who has not completed the work of the eighth (8th) grade, shall cause the child to be instructed in the program prescribed by the Board of Public Education pursuant to 20-7-111. Such parent, guardian or other person shall

other person shall enroll the child in the school assigned by the trustees of the district within the first week of the school term or when he establishes residence in the district unless:

- 1) the child is enrolled in a private institution which provides instruction in the subjects prescribed by 20-7-111;
- 2) the child is enrolled in a school of another district or state under any of the tuition provisions of this Title;
- 3) the child is provided with supervised correspondence study or supervised home study under the transportation provisions of this Title; or
- 4) the child is excused from enrollment in a school of the district when it is shown that his bodily or mental condition does not permit his attendance and the child cannot be instructed under the special education provisions of this Title.

The excuse provided for in subsection (4), above, shall be issued by the district superintendent, or the county superintendent when there is no district superintendent employed by the district. Whenever an excuse is denied by the applicable official, an appeal of such decision may be made to the district court of the county within ten (10) days after the decision upon giving a bond in the amount set by the court to pay all costs of the appeal. The decision of the district court shall be final.

- 5) the child is excused from compulsory school attendance upon a determination by a district judge that such attendance is not in the best interest of the child."

XII. PLACEMENT IN PRIVATE SCHOOLS

A. STATE LAW

20-5-102, M.C.A., 1978. "COMPULSORY ENROLLMENT AND EXCUSES.

Any parent, guardian, or other person who is responsible for the care of any child who is seven (7) years of age or older prior to the first day of school in any school fiscal year and who has not yet reached his sixteenth birthday and who has not completed the work of the eighth (8th) grade, shall cause the child to be instructed in the program prescribed by the board of public education pursuant to 20-7-111. Such parent, guardian or other person shall enroll the child in the school assigned by the trustees of the district within the first week of the school term or when he establishes residence in the district unless:

- 1) the child is enrolled in a private institution which provides instruction in the program prescribed by the board of public education pursuant to 20-7-111;

- 2) the child is enrolled in a school of another district or state under any of the tuition provisions of this Title;
- 3) the child is provided with supervised correspondence study or supervised home study under the transportation provisions of this Title; or
- 4) the child is excused from enrollment in a school of the district when it is shown that his bodily or mental condition does not permit his attendance and the child cannot be instructed under the special education provisions of this Title.

The excuse provided for in subsection (4), above, shall be issued by the district superintendent, or the county superintendent when there is no district superintendent employed by the district. Whenever an excuse is denied by the applicable official, an appeal of such decision may be made to the district court of the county within ten (10) days after the decision upon giving a bond in the amount set by the court to pay all costs of the appeal. The decision of the district court shall be final.

- 5) the child is excused from compulsory school attendance upon a determination by a district judge that such attendance is not in the best interest of the child.

20-5-100, M.C.A., 1970. COMPULSORY ATTENDANCE AND EXCUSES.

Any parent, guardian or other person who is responsible for the care of any child who is seven (7) years of age or older prior to the first day of school in any school fiscal year but has not yet reached his sixteenth birthday, or of a child who has not completed the work of the eighth grade, shall cause the child to attend the school in which he is enrolled for the school term and each school day therein prescribed by the trustees of the district unless:

- 1) the child has been excused under one of the conditions specified in 20-5-102;
- 2) the child is absent because of illness, bereavement or other reason prescribed by the policies of the trustees; or
- 3) the child has been suspended or expelled under the provisions of 20-5-202.

20-7-111, M.C.A, 1978. INSTRUCTION IN PUBLIC SCHOOLS. The board of public education shall define and specify the basic instructional program for pupils in public schools, and such program shall be set forth in the standards of accreditation. Other instruction may be given when approved by the board of trustees.

B. POLICY STATEMENTS

- 1) The following guidelines have been developed to insure the requirement that, if handicapped children are placed in/referred to pri-

vate schools/facilities by the state education agency or local education agency to carry out statutory requirements, that placement/referral must:

- a) conform with the designs and regulations of the Montana Rules and Regulations and P. L. 94-142 regarding the development of the Individual Education Program;
 - b) conform to the laws (State and Federal) regarding the no cost provisions to parents; and
 - c) meet Montana education standards.
- 2) Parents shall assume full financial responsibility for the child's education when the handicapped child has available a "free and appropriate education" in a public school or agency that is accessible to his/her home and the parents waive such opportunity.
 - 3) Full due process procedures apply in the event that a parent contends that he/she has been forced, at his/her expense, to seek private schooling because an appropriate program does not exist, and the responsible agency disagrees.
 - 4) The Montana Office of Public Instruction shall assure that any handicapped child placed in a private school or facility by a public agency will have all the rights he/she would have if educated in a public school.
 - 5) All private schools shall receive copies of the Montana Rules and Regulations. The distribution was made no later than September 1, 1977.
 - 6) The responsibility for administering and supervising the placement of the handicapped person shall fall jointly with local education agencies and state education agency.
 - 7) Monitoring of private school placements will include periodic review of the individual educational plans and programs to assure they are meeting the standards set by Montana Rules and Regulations.
 - 8) Private schools shall have the opportunity to participate in the development and revision of standards relating to special education in Montana.

The following from the Montana Special Education Rules and Regulations specifies the procedures used for an out-of-district placement into public or private schools. If a school district is unable to provide services for its resident handicapped students or unable to provide services through cooperative services or regional services, the school district may have to use out-of-district placement. The decision to place a child out-of-district must be recommended by the resident district Child Study Team and approved by the resident district board of trustees.

Placement made independently of the public schools by parents and/or other agencies relieves the public school of all financial obligation.

When a child is handicapped to such a degree that a totally controlled environment is needed, residential school placement may be essential. Room and board and tuition costs are considered allowable costs in the district's special education budget.

A district must, first, make a reasonable attempt to secure and utilize in-state resources before out-of-state placement will be approved.

If the child is currently in an out-of-district program, the resident school district should request the child's parents to make a formal written request to the receiving district to release their child's school records.

It is the resident district's responsibility to convene the Child Study Team and set the time and place for conducting a review of the child's needs and educational placement. The receiving district is responsible for providing program monitoring and assisting the resident district with conducting an annual review of the child's program and progress. The receiving district shall provide pertinent data regarding the child's program and progress to the resident district and parents.

The resident district and receiving district should form a joint Child Study Team to consider the evaluation data and explore program options. Travel funds to facilitate this process must be approved by the Office of Public Instruction prior to the two districts convening a joint Child Study Team.

A regional service staff will provide supportive services when such services are not available through the local district. Please refer to Rule 48-2.18(18) - S18270, Composition of a Child Study Team.

The resident school district is required to budget for room and board costs (0555--Transportation) in its special education budget. Budget approval does not mean the school district has authorization to send a specific child out of the district. Approval shall also be obtained from the school district or agency which is providing the services. Program evaluation is the responsibility of both the resident school district and the providing school district or agency.

If a handicapped child is placed out-of-state, tuition charges are covered under Contracted Services 01-01-0280.

It is the responsibility of the resident school district to ensure that an out-of-district living facility is an appropriately licensed facility. An inquiry should be made to the local Social and Rehabilitation Services Division in order to secure appropriate facilities. The local division can provide the school district with a list of homes which are licensed and/or procedures by which a home can be licensed. Payment

schedules should follow rates set by Social and Rehabilitation Services Division. Any deviation from that schedule should be based on severity of handicap and shall receive concurrence from Social and Rehabilitation Services and approval from the Superintendent of Public Instruction.

To ensure that the request for an out-of-district placement is appropriate and follows the proposed Montana Special Education Rules and Regulations Reference Manual, the following items must be addressed:

a). Resident School District Responsibility

- 1) The resident school district will assure that all students considered for out-of-district placement shall be processed by a resident Child Study Team and approved by the board of trustees.
- 2) The resident school district will assure that the Child Study Team, in recommending out-of-district placement, has:
 - a) Identified service options outside of the district.
 - b) Outlined reasons why services cannot be provided by the resident district.
 - c) Specified date requested for placement.
- 3) The resident school district will investigate placement options and assure that the selection of placement is in keeping with the least restrictive alternative.
- 4) The resident school district will make transportation arrangements.
- 5) The resident school district will specify criteria for the student's return to the resident district.
- 6) The resident school district will outline provisions for program monitoring and annual review.

b) Receiving School District Responsibility

- 1) The receiving school district will form a Child Study Team to determine acceptance and whether appropriate services can be offered.
- 2) The receiving school district will conduct periodical review and report results to the appropriate official of the resident district.

c) Resident School-District Continuing Responsibilities

- 1) The resident school district will conduct an annual review of each child placed out-of-district.

- 2) Through the Child Study Team, the resident school district will make recommendations, annually, for either continued out-of-district placement or termination.
- 3) Based on the Child Study Team reports, the resident school district will submit a recommendation to the Superintendent of Public Instruction for continued out-of-district placement.

IMPLEMENTATION PROCEDURES

- a) All private schools will receive copies of Montana Rules and Regulations.
- b) The responsibility for administering the placement and supervising the placement of the handicapped person will fall jointly with the local education agency and the state education agency.
- c) Monitoring of private school placement will include periodic review of the individual educational plans and programs to assure they are meeting the standards set by Montana rules and regulations. State education agency on-site visits to private schools will also be provided.

XIII. MISCLASSIFIED CHILDREN

A. RECOVERY OF FUNDS

The state education agency will require quarterly reports from the local education agencies using Part B monies for services to any child. The state education agency will randomly sample districts using Part B monies and will ascertain the eligibility of those students receiving funds. All steps will be taken by the local education agencies to assure the state education agency that a comprehensive evaluation is conducted by qualified personnel for all children.

B. PROCEDURES FOR IMPLEMENTATION OF POLICY

The state education agency will initiate steps to retrieve funds made available for children erroneously classified as eligible to be counted on December 1.

The following describes the process for the retrieval of funds from local education agencies for misclassified children.

- 1) The state education agency will notify local education agencies in writing of any misuse of funds regarding the misclassification of children.

- 2) Local education agencies will respond in writing to the state education agency within 14 calendar days regarding the alleged misuse of funds.
- 3) State education agency will determine whether payment by local education agency is appropriate and if a violation has occurred.
- 4) Local education agency has the right to a formal hearing with the state education agency if so requested.

XIV. HEARING ON LEA APPLICATION

A. PROCEDURES

- a) In the administration of fiscal year 1979 Title VI-B funds, the Special Education Unit will supply all Montana school districts with appropriate information, instructions and application forms in order to apply for their entitlements.
- b) In the event the state education agency proposes to deny, in whole or part, any local education agency application for federal excess lost monies, the district shall be afforded notice of:
 - 1) The intent to deny the application and the reason for denial, and
 - 2) The district's right to request a hearing before the state education agency prior to final denial of the application.
- c) The application by the local education agency may be denied, in whole or part, if the district fails to request a hearing.

XV. ANNUAL EVALUATION

A. STATE POLICY AND PROCEDURE

Two methods of evaluating local education agency programs include:

- 1) Local education agencies submitting annual updates of program narratives, and
- 2) State education agency on-site visits of local education agency programs.

PROGRAM NARRATIVES

Program narratives must include detailed outlines of the following, and must comply with state and federal regulations:

- 1) The identification of handicapped children in the district
 - a) Screening
 - b) Children served

- 2) Referral Process
 - a) Sources of student performance information
 - b) Referral contact
- 3) Staffing Procedures
 - a) Pre-staffings
 - b) Child Study Team
 - c) Staffing format
 - d) IEP development
 - e) Placement
- 4) Personnel Statistics
 - a) Administrative
 - b) Teachers
 - c) Support
- 5) Evaluation
 - a) Student
 - b) Programs
- 6) Facilities
- 7) Needs or Deficiencies
- 8) Additional Information

B. MONITORING ACTIVITIES

In addition to program narratives, state education agency on-site visits of local education agency programs will lend further evaluation information.

The Special Education unit of the Office of Public Instruction has responsibility for evaluating the general effectiveness of special education programs and services throughout the state. Procedures for annual evaluation of each school district's special education programs and related services are in operation. Data to document the extent of services, type of professional personnel, and numbers of children served (by type and severity of exceptionality) is collected twice each year. Annual program approval request procedures provide to districts the opportunity to modify programs already in operation, as well as to expand within approved ratios to various program models. Special education program reviews are scheduled to provide a formal on-site visit to each Montana school providing special education at least once within a three-year period.

Local school districts which receive fiscal year 1979 local education agency entitlements with Title VI-B funds will be monitored in three ways on an annual basis, in addition to the above mentioned procedure for state funded special education evaluation:

- a) One on-site inspection visit by Special Education staff to ascertain the match between stated local education agency priorities and activities which are underway;
- b) Final program evaluation report which documents status of achievement of district objectives; and
- c) Final fiscal evaluation report which documents district use of Title VI-B funds as related to stated objectives.

XVI. ADDITIONAL REQUIREMENTS

A. SEA RESPONSIBILITIES FOR ALL EDUCATIONAL PROGRAMS

20-7-403. DUTIES OF SUPERINTENDENT OF PUBLIC INSTRUCTION. The superintendent of public instruction shall supervise and coordinate the conduct of special education in the state by:

- 1) recommending to the board of public education adoption of those policies necessary to establish a planned and coordinated program of special education in the state;
- 2) administering the policies adopted by the board of public education;
- 3) certifying special education teachers on the basis of the special qualifications for such teachers as prescribed by the board of public education;
- 4) establishing procedures to be used by school district personnel in identifying handicapped children;
- 5) recommending to districts the type of special education class or program needed to serve the handicapped children of the districts and preparing appropriate guides for developing individual education programs;
- 6) seeking for local districts appropriate interdisciplinary assistance from public and private agencies in diagnosing the special education needs of children, in planning programs, and in admitting and discharging children from such programs;
- 7) assisting local school districts, institutions, and other agencies in developing full-service programs for all handicapped children;
- 8) approving, as they are proposed and annually thereafter, those special education classes or programs which comply with the laws of the state of Montana, policies of the board of public education, and the regulations of the superintendent of public instruction;
- 9) providing technical assistance to district superintendents, principals, teachers, and trustees;

- 10) conducting conferences, offering advice, and otherwise cooperating with parents and other interested persons;
- 11) acting as the coordinating agency with federal agencies, other state agencies, political subdivisions of the state, and private bodies on matters concerning special education, reserving to the other agencies and political subdivisions their full responsibilities for other aspects of the care of children needing special education; and
- 12) administering regional special education services for children in need of special education in accordance with policies of the board of public education.

20-7-404. COOPERATION OF STATE AGENCIES. The state department of health, the department of institutions, the department of social and rehabilitation services, and the state school for the deaf and blind shall cooperate with the superintendent of public instruction in assisting school districts in discovering children in need of special education. Nothing herein shall be construed to interfere with the purpose and function of these state agencies.

In addition to the above state statute, an inter-agency agreement was developed and signed by the appropriate state agencies. For a copy of this agreement, refer to Section V of this plan. Further, letters of support and agreement are included as follows:

TO: Georgia Ruth Rice, Superintendent
Office of Public Instruction

FROM: Peggy Fields, Administrator
Developmental Disabilities Division/SRS

RE: EDUCATIONALLY SPONSORED DEVELOPMENTALLY DISABLED PROGRAMS FOR
SCHOOL AGE PERSONS

DATE:

We have received a copy of the Montana Special Education Rules and Regulations to implement state and federal laws governing the education of the handicapped. Although many of the rules are directed to programs in public schools, some are pertinent to all educational programs for handicapped persons in Montana. Specifically, Subchapters 6, 14, 18, 34 and the portion of Subchapter 22 regarding the least restrictive educational alternative plus the proposed rules implementing P.L. 94-142 are pertinent to the educational aspects of our program. Please be assured that we intend to comply with those sections in offering educational services to handicapped persons. We will fulfill requests for information from your agency and if given reasonable advance notice, will participate in your on-site reviews of the educational aspects of all our programs for handicapped persons.

jh

cc: Keith Colbo

TO: Georgia Rice, Superintendent
Office of Public Instruction

FROM: Lawrence M. Zanto
Director

SUBJECT: Compliance with Office of Public Instruction and Federal Special
Education Regulations

We have received a copy of the Montana Special Education Rules and Regulations to implement state and federal laws governing the education of the handicapped. Although many of the rules are directed to programs in public schools, some are pertinent to all educational programs for handicapped persons in Montana. Specifically Sub-chapters 6, 14, 18, 34 and the portion of Sub-chapter 22 regarding the least restrictive educational alternative plus the proposed rules implementing P.L. 94-142 are pertinent to the educational aspects of our program. Please be assured that we intend to comply with those sections in offering educational services to handicapped persons. We will fulfill requests for information from your agency and if given reasonable advance notice, will participate in your on-site reviews of the educational aspects of all our programs for handicapped persons.

JW

cc: Dr. Peter Blouke

TO: Georgia Rice,
Superintendent of Public Instruction

FROM: Floyd McDowell
Superintendent, School for the Deaf and Blind

RE: Educational Programs Conducted by School

We have received a copy of the Montana Special Education Rules and Regulations to implement state and federal laws governing the education of the handicapped. Although many of the rules are directed to programs in public schools, some are pertinent to all educational programs for handicapped persons in Montana. Specifically Sub-chapters 6, 14, 18, 34 and the portion of Sub-chapter 22 regarding the least restrictive educational alternative plus the proposed rules implementing P.L. 94-142 are pertinent to the educational aspects of our program. Please be assured that we intend to comply with those sections in offering educational services to handicapped persons. We will fulfill requests for information from your agency and if given reasonable advance notice, will participate in your on-site reviews of the educational aspects of all our programs for handicapped persons.

B. MONITORING PROCEDURES

1) Monitoring and Evaluation Activities

The Montana SEA Special Education Unit has instituted a comprehensive on-site monitoring process to insure compliance with (121a.601(a)) and to provide technical assistance to assist public agencies in adequately meeting the needs of all handicapped children. (A copy of the monitoring forms is included as Attachment #2).

The on-site monitoring process for FY 79 is as follows: Approximately one-third of all budgeted special education programs are to be visited (257 budget programs divided by 3 = 86). In addition a sample of non-budgeted school districts and selected nonpublic school agencies will be monitored. In this way every program within the state can be monitored on a three year cycle.

Prior to the initiation of on-site visits all public agencies within the state who operate programs for handicapped children will be sent descriptive information regarding the monitoring; intent, procedures, purpose. In addition a copy of the summary monitoring form will be included. The summary monitoring form (see Attachment #2) outlines the specific areas of program compliance to be evaluated. The local agencies will be advised to use the form for self-evaluation prior to the official on-site visit.

The basic monitoring process is to be as follows:

- a) Local agencies are notified of the date of the on-site visit and given basic logistical information at least two weeks prior to the visit.
- b) Follow-up calls are made to work out the details of the monitoring process, e.g., location of records, transportation needs, location, and scope of existing programs, etc.
- c) Upon the arrival of the monitoring team an entire interview is conducted with the administrator of the local agencies to explain the process and finalize specific team assignments.
- d) Collection of monitoring data is obtained by two basic procedures; interviewing and personal inspection. Interviews are scheduled with:
 - The chief administration officer of the agency
 - All school administrators who have special education duties

- All school administrators who have special education services within their school
- All special education direct service and support staff
- A sample of regular education teachers within each building
- A sample of parents and handicapped children receiving services

Samples of forms used for data collection for each of the above are included in Attachment #2.

In addition to the basic interviewing process direct inspection is made of:

- All or a representative sample (depending upon the size of the agency) of the special education records. -All facilities utilized for the delivery of special education services, and a sample of regular education facilities.
- Materials and supplies dedicated to special education students and those available from the general program.
- Classroom observation of selected classes to evaluate the effectiveness of IEP implementation.

e) An exit interview is conducted with the administrator responsible for the provision of special education services. At that time any areas of concern (e.g., compliance) are addressed. Specific remedial actions are prescribed and arrangements for technical assistance are discussed.

f) A draft copy of the monitoring report is sent to the agency within thirty days of the monitoring visit. Corrections and/or comments are solicited.

g) Upon receipt of any reactions or at end of a thirty day period a final report is completed, mailed to the agency and filed at the SEA.

Remedial actions (if any) are specified with time lines for completion. Follow-up visits (if necessary) are scheduled at that time.

2) Adoption of Compliance Procedures

Pursuant to section 121a.602 the Montana SEA has adopted procedures for reviewing, investigating and acting on allegations of substance of actions taken by a public agency that are contrary to this Act.

The individual responsible for implementing these requirements is Dal R. Curry, Manager, Program Development and Evaluation, Special Education Unit.

Upon receipt of an alleged compliance violation the allegation is reviewed to determine if the allegation does in fact involve a compliance issue. If it does the agency so charged is notified as to the specifics of the complaint and required to respond to the charges, in writing, within 21 days. (Additional contact with the complainant may also be necessary to clarify the exact nature and facts of the allegation). Once the agency response is received it is reviewed to determine adequacy. On-site visitations may then be scheduled to further investigate the charges and to initiate negotiation for resolution of differences.

Following the collection of information from the investigation a report of finding is written with copies sent the agency charged, the complainant and BEH. The report shall contain the original charges, findings of fact, and specific remedial actions (if any) to be completed by the agency, including the timelines.

At this time arrangements will be made to provide the agency with needed consultation and technical assistance to alleviate any compliance problems found.

Documentation that remedial action required has been implemented is outlined and time limits established.

If at the end of the prescribed time period the remedial actions have not been implemented sanctions will be imposed. The sequence of sanctions will be:

- a. notification to the agency that they have failed to correct serious deficiencies and that their state and federal special education funding is in jeopardy. A date for the impending sanctions will be stated and an additional attempt to provide necessary technical assistance will be offered.

- b. if the prescribed remedial actions have not been completed (or significant negotiated progress is not shown) by the date specified above the sanctions will be imposed until such time that satisfactory compliance has been achieved.

C. POLICIES AND PROCEDURES FOR THE USE OF PART B FUNDS

The following is taken from the Montana Special Education Rules and Regulations:

Sub-Chapter 46
Federal Programs

48-2.18(46)-S18750 FEDERAL PROGRAMS GENERALLY.

- 1) There are several federal programs which have a portion of the program charged to serve handicapped children. Specific regulations published by each program must be followed as well as the Special Education Rules and Regulations. If the Special Education Rules and Regulations are in conflict with the federal requirements, then the federal requirements supercede. The Office of the Superintendent of Public Instruction staff assigned to the federal program as well as the special education program staff will work cooperatively to assist districts to design a program which optimizes resources for children and takes into account both federal and state program regulations. If the handicapped portion of the federal program is not to be funded federally on an ongoing basis and is eventually going to be assumed by the local district utilizing special education funding, particular attention should be made to follow the Special Education Rules and Regulations to assure smooth conversion from the federal program to the state program.
- (2) Federal programs that have set aside provisions for handicapped children include ESEA Title IV and Vocational Education Special Needs. School districts which are making application under these two programs for service to handicapped children should submit their proposal to the Special Education Regional Council for the council's recommendation. (History: Sec. 75-7802, 75-7303, R.C.M. 1947; Order MAC No. 48-i; Acp. 8/10/77; Eff. 8/25/77.)

48-2.18(46) - S18769 ELEMENTARY AND SECONDARY EDUCATION ACT, TITLE I 1) ESEA Title I has a specific responsibility to handicapped children being provided an education in a state institution through Public Law 89-313. Public Law 89-313 provides that when a handicapped child leaves an educational program operated by a state institution for handicapped children in order to participate in a program operated by a school district, funds belonging to that institution may be transferred to the school district if additional funds are needed by the district to provide an appropriate program for the handicapped children.

- a) If the handicapped child's individualized educational program requires resources which cannot be provided by the school district, the district administration should contact the ESEA Title I Supervisor in the Office of the Superintendent of Public Instruction for assistance and information relating to Public Law 89-313.
- b) Local school districts cannot count handicapped children who have been counted for Public Law 89-313 purposes.

in their Public Law 94-142 Child Count. The ESEA Title I Supervisor will provide a list of handicapped persons by initial and birthdate who are residing in a given school district and who were counted in the annual Public Law 89-313 count.

- 2) The regular ESEA Title I program should not be confused with the Public Law 89-313 portion of the federal program. The regular ESEA Title I program is not to serve handicapped children who have specified needs because of a handicapping condition. Cooperation between the ESEA Title I and Special Education is necessary to assure proper placement of children with learning difficulties.
 - a) Even though special education screening is an ongoing process throughout the year, a cooperative needs assessment (annual screening) may be conducted in conjunction with ESEA Title I to identify children with learning difficulties. The school district must further diagnose the identified population to determine the handicapped students. If children are identified as handicapped, then their needs must be met through the special education program, not ESEA Title I. A child cannot be served by special education and Title I concurrently with the exception of a child who is only speech impaired and qualified for Title I as well. However, a child may be transferred from one program to another based on each program's qualifying criteria. (Section 116.40 and 116.41 of Part 116, Title 45 of the Code of Federal Regulations, dated September 28, 1976.) (History: Sec. 75-7802, 75-7303, R.C.M. 1947; Order MAC No. 49-1; Adp. 8/10/77; Eff. 8/25/77.)

48-2.18(46) - S18770 EDUCATION OF ALL HANDICAPPED CHILDREN ACT, PART B.

- 1) Education of All Handicapped Children Act, Part B monies are to be used for projects which will initiate, expand and improve special education and related services to handicapped children through local education agencies.
- 2) It is the goal of the Superintendent of Public Instruction to insure that all unserved (out of school) handicapped children between the ages of 6 through 21 will be guaranteed full education opportunities. Those EHA-B monies not utilized for unserved children age 6 through 21 will then be utilized to expand pre-school programs for the children ages 3 through 5. Children who are enrolled in private schools may participate in projects sponsored under this Act, but funds cannot be made available directly to such schools.
- 3) All proposals submitted will be read and rated by a reading team using the following criteria:
 - a) Are the children that are identified for services in the proposal unserved and within the age range of 6 through 21?
 - b) Are the children that are identified for services in the proposal in school, but not getting an appropriate education?

- c) Is the proposal centered on children rather than personnel, materials and equipment?
- d) Can the children identified as needing service in the proposal be served reasonably in an existing school program?
- e) Are the services to be delivered in the least restrictive setting as possible?
- f) Are the objectives for the program measureable?
- g) Can the objectives be met through the activities that are proposed?
- h) Is the proposed program evaluation adequate?
- i) Are staff members who will provide the services for the children appropriately trained to deliver the services as outlined?
- j) Is the proposed budget reasonable in terms of number of children to be served?
- k) Is the proposed timeline for providing services reasonable?
- l) Does proposal show evidence of long-range planning in meeting the state's full educational services goal for the handicapped by 1979?
- m) How does the district/agency plan to finance the program in the future?
- n) Does the proposal show evidence of consideration being given to the eight dimensions of a Basic Quality Education program in a realistic way? (History: Sec. 75-7802, 75-7303, R.C.M. 1947; Order MAC No. 48-1; Adp. 8/10/77; Eff. 8/25/77.)

Also included in Attachment #3 is the Part B Application. Included therein is a statement of assurances page which is to be signed by local education agencies regarding the use of Part B monies.

D. NON-DISCRIMINATORY AND EMPLOYMENT OF HANDICAPPED INDIVIDUALS

The Office of Public Instruction has filed with the U. S. Office of Education a statement of assurance that all programs assisted under any federal funding are in compliance with Title 45 of the Code of Federal Regulations, Part 84 (Non-discrimination on the Basis of Handicap in Programs and Activities Receiving or Benefitting from Federal Financial Assistance).

E. DIRECT SERVICES BY THE STATE EDUCATION AGENCY

The Montana Office of Public Instruction does not provide direct services.

XVII DESCRIPTION OF USE OF PART B FUNDS

STATE EDUCATION AGENCY ADMINISTRATION

In FY 78, 5.3 FTE in the Special Education Unit, Office of Public Instruction are supported with Part B administration monies. The total FTE in the unit is 9.0. Following is a description of each of those positions, salaries, and funding sources:

- 1) State Director of Special Education: Oversees and directs all aspects of Special Education Programs in the State of Montana.

<u>State</u>	<u>Federal</u>
<u>.7 FTE</u>	<u>.3 FTE</u>
<u>\$24,038</u>	

- 2) Manager of Budget and Data: Supervises and directs all aspects of state finance and data collection for Special Education Programs in Montana.

<u>State</u>	<u>Federal</u>
<u>0 FTE</u>	<u>1.0 FTE</u>
<u>\$19,090</u>	

- 3) Manager of Program Development and Evaluation: Supervises and directs all aspects of Special Education programs and the evaluation (monitoring) of said programs.

<u>State</u>	<u>Federal</u>
<u>0 FTE</u>	<u>1.0 FTE</u>
<u>\$18,740</u>	

- 4) Manager of Inservice Training and Personnel Development: Supervises and directs all aspects of the comprehensive system of personnel development, specifically Part D of EHA.

<u>State</u>	<u>Federal</u>
<u>1.0 FTE</u>	<u>0 FTE</u>
<u>\$19,090</u>	

- 5) Manager of Federal Programs: Supervises and directs all aspects of federal programs under Part B of EHA.

<u>State</u>	<u>Federal</u>
<u>0 FTE</u>	<u>1.0 FTE</u>
<u>\$19,090</u>	

- 6) Accountant: Responsible for recording and reporting all financial, administrative and program records for operation of Special Education Unit.

<u>State</u>	<u>Federal</u>
<u>0 FTE</u>	<u>1.0 FTE</u>
<u>\$10,774</u>	

- 7) Program Secretary: Responsible for all typing, etc. required by the Manager of Program Development and the Manager of Personnel Development.

<u>State</u>	<u>Federal</u>
<u>1.0 FTE</u>	<u>0 FTE</u>
<u>\$8,374</u>	

- 8) Program Secretary: Responsible for all typing, etc. required by the Manager of Budget and Data, and the Manager of Federal Programs.

<u>State</u>	<u>Federal</u>
0 FTE	1.0 FTE
<u>\$9,310</u>	

- 9) Program Secretary: Responsible for all typing, etc. required by the Director of Special Education.

<u>State</u>	<u>Federal</u>
1.0 FTE	0 FTE
<u>\$10,356</u>	

TOTAL SPECIAL EDUCATION SEA ADMINISTRATION EXPENDITURES:

FY 78:

<u>Federal</u>	\$200,000	
	Program Operation in Special Education Unit --	
	(a) Expended as of June 30, 1978.....	<u>\$79,627.71</u>
	(b) Estimated expenditures budgeted as of July 1, 1978.....	<u>\$120,372.29</u>
<u>State</u>	\$120,298	
	Program operation in Special Education Unit --	
	(a) Expended 7/1/77 - 6/30/78.....	<u>\$40,873.00</u>
	(b) Estimated expenditures 7/1/78 through 6/30/79.....	<u>\$62,663.00</u>
	(c) Estimated expenditures 7/1/79 through 9/30/79.....	<u>\$16,762.00</u>

PROJECTED EXPENDITURES FOR FY 79 SEA ADMINISTRATION

FEDERAL: \$200,000

Begin expenditures as of approval date of FY 79 APP.

STATE: \$147,481

Estimated Expenditures:

7/1/78 - 6/30/79.....	\$62,663
7/1/79 - 6/30/80.....	\$67,050
7/1/80 - 9/30/80.....	\$17,768

STATE EDUCATION AGENCY ACTIVITIES

State education Agency administrative activities under EHA-B and state dollars include the operation, direction and implementation of P.L. 94-142 and Montana Special Education Law. Other activities administered by the state education agency include:

- a) Child Find activities
- b) Technical assistance to local education agencies.
- c) Monitoring activities of local education agency programs, and
- d) Inservice training.

For specific information regarding state education agency expenditures, please refer to Section IV of this plan.

STATE ADVISORY PANEL

The Special Education State Advisory Panel began formal operation in June of 1978. For a list of the participating members on the Advisory Panel, please refer to Attachment #6. A total of four meetings have been held in various parts of the state since June. Activities have included reviewing the FY 78 APP, assisting in program monitoring and reviews, recommending state education actions on specific policy issues, and writing position papers. Total budget figure for operation of the Advisory Panel is estimated at \$10,000 for FY 79.

LOCAL EDUCATION AGENCY FLOW-THROUGH ENTITLEMENTS

An estimated 70% of school districts in Montana shall be eligible for EHA-B monies on a flow-through entitlement basis as generated by child counts. Of those districts eligible for Part B monies, approximately 80% will be required to "cooperate" on order to generate the \$7500 minimum required under P. L. 94-142.

The estimated number of school districts eligible in FY 79 for EHA-B flow-through monies is approximately 380. Of those, an estimated 340 will need to "cooperate" for flow-through monies. On the average, ten to twenty districts will join together as a "cooperative" receive these dollars. However, in some very rural regions of the state as many as twenty-five to thirty districts may be required to join programs under Part B.

For a copy of schools and their entitlements for FY 78, please see Attachment #9. Note should be made that the list in Attachment 9 includes counties and "host" districts of cooperatives. Therefore not all eligible districts are mentioned by name.

SECTION THREE

EARLY CHILDHOOD INCENTIVE

PROPOSAL: To be included at a later date.

STATE OF MONTANA'S
Proposal
for
Education for the Handicapped
PRESCHOOL INCENTIVE GRANT

EARLY EDUCATION PROGRAMS FOR HANDICAPPED CHILDREN

on
May 1, 1979

to
Bureau of the Handicapped
13.449B
U.S. Office of Education
Washington, D.C.

TABLE OF CONTENTS

	<u>Page</u>
PART I APPLICATION FOR ASSISTANCE	ii
PART II PROJECT APPROVAL INFORMATION	iii
PART III BUDGET DETAIL	iv
PART IV PROGRAM NARRATIVE	1
I. Introduction	1
II. Background Information	2
III. Need for this Assistance	4
IV. Objectives and Approach	7
V. Expected Results	13
PART V ASSURANCES	18
ATTACHMENT HOUSE JOINT RESOLUTION 72	19

FEDERAL ASSISTANCE		2. APPLICANT'S APPLICATION	3. STATE APPLICATION IDENTIFIER	4. NUMBER
1. TYPE OF ACTION (Mark appropriate box) <input type="checkbox"/> PREAPPLICATION <input type="checkbox"/> APPLICATION <input type="checkbox"/> NOTIFICATION OF INTENT (Opt.) <input type="checkbox"/> REPORT OF FEDERAL ACTION	2. APPLICANT'S APPLICATION	a. NUMBER	3. STATE APPLICATION IDENTIFIER	4. NUMBER
		b. DATE Year month day 19		b. DATE Year month day ASSIGNED 19
4. LEGAL APPLICANT/RECIPIENT		5. FEDERAL EMPLOYER IDENTIFICATION NO. 816001698W		
a. Applicant Name : Superintendent of Public Instruction		6. PRO-GRAM (From Federal Catalog)		
b. Organization Unit : Office of Public Instruction		a. NUMBER 1 3 0 4 4 9		
c. Street/P.O. Box : State Capitol		b. TITLE Education for the Handicapped-Preschool Incentive Grant		
d. City : Helena				
e. State : Montana				
f. Contact Person (Name & telephone No.) : Scott R. Lane				
7. TITLE AND DESCRIPTION OF APPLICANT'S PROJECT Early Education Programs for Handicapped Children		8. TYPE OF APPLICANT/RECIPIENT A- State B- County C- City D- School District E- Special Purpose District F- Community Action Agency G- Higher Educational Institution H- Indian Tribe I- Other (Specify): Enter appropriate letter <input type="checkbox"/> A		
10. AREA OF PROJECT IMPACT (Names of cities, counties, States, etc.) State of Montana		9. TYPE OF ASSISTANCE A- Basic Grant B- Supplemental Grant C- Loan D- Incentive E- Other Enter appropriate letter(s) <input type="checkbox"/> A		
11. ESTIMATED NUMBER OF PERSONS BENEFITING 652		12. TYPE OF APPLICATION A- New B- Revision C- Renewal D- Continuation E- Augmentation Enter appropriate letter <input type="checkbox"/> A		
13. PROPOSED FUNDING		15. TYPE OF CHANGE (For 18c or 18e) A- Increase Dollars B- Decrease Dollars C- Increase Duration D- Decrease Duration E- Cancellation Enter appropriate letter(s) <input type="checkbox"/> A		
14. CONGRESSIONAL DISTRICTS OF:		19. EXISTING FEDERAL IDENTIFICATION NUMBER		
a. FEDERAL \$ 58,042.00	a. APPLICANT			
b. APPLICANT .00	b. PROJECT			
c. STATE .00	16. PROJECT START DATE Year month day 1979 9 1	17. PROJECT DURATION Months 12		
d. LOCAL .00	18. ESTIMATED DATE TO BE SUBMITTED TO FEDERAL AGENCY	19. EXISTING FEDERAL IDENTIFICATION NUMBER		
e. OTHER .00	19			
f. TOTAL \$.00				
20. FEDERAL AGENCY TO RECEIVE REQUEST (Name, City, State ZIP code) Bureau of the Handicapped (13.449B), U.S. Office of Education, Washington, D.C. 20202		21. REMARKS ADDED <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
22. CERTIFYING REPRESENTATIVE a. TYPED NAME AND TITLE Georgia Rice, Superintendent of Public Instruction		b. SIGNATURE		
23. CERTIFYING REPRESENTATIVE		c. DATE SIGNED Year month day 19		
24. AGENCY NAME		25. APPLICATION RECEIVED Year month day 19		
26. ORGANIZATIONAL UNIT		27. ADMINISTRATIVE OFFICE		
28. ADDRESS		29. FEDERAL APPLICATION IDENTIFICATION		
30. ACTION TAKEN		31. FEDERAL GRANT IDENTIFICATION		
32. FUNDING		33. ACTION DATE Year month day 19		
a. AWARDED	a. FEDERAL \$.00	34. CONTACT FOR ADDITIONAL INFORMATION (Name and telephone number)		
b. REJECTED	b. APPLICANT .00	35. STARTING DATE Year month day 19		
c. RETURNED FOR AMENDMENT	c. STATE .00	36. ENDING DATE Year month day 19		
d. DEFERRED	d. LOCAL .00	37. REMARKS ADDED <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. WITHDRAWN	e. OTHER .00			
f. TOTAL \$.00				
38. FEDERAL AGENCY A-95 ACTION		39. FEDERAL AGENCY A-95 OFFICIAL (Name and telephone no.)		

PART II PROJECT APPROVAL INFORMATION

ITEM 1.

Does this assistance request require State, local, regional, or other priority rating?

Name of Governing Body _____

Priority Rating _____

☐ Yes ☒ No**ITEM 2.**

Does this assistance request require State, or local advisory, educational or health clearances?

Name of Agency or Board _____

☐ Yes ☒ No (Attach Documentation)**ITEM 3.**

Does this assistance request require clearinghouse review in accordance with OMB Circular A-95?

(Attach Comments)

See Governor's statement

☐ Yes ☒ No**ITEM 4**

Does this assistance request require State, local, regional, or other planning approval?

Name of Approving Agency _____

Date _____

☐ Yes ☒ No**ITEM 5**

Is the proposed project covered by an approved comprehensive plan?

Check one:

☒ State☐ Local☐ Regional☒ Yes ☐ No Location of Plan _____**ITEM 6**

Will the assistance requested serve a Federal installation?

Name of Federal Installation _____

Federal Population benefiting from Project _____

☐ Yes ☒ No**ITEM 7**

Will the assistance requested be on Federal land or installation?

Name of Federal Installation _____

Location of Federal Land _____

Percent of Project _____

☐ Yes ☒ No**ITEM 8**

Will the assistance requested have an impact or effect on the environment?

See instructions for additional information to be provided.

☐ Yes ☒ No**ITEM 9**

Will the assistance requested cause the displacement of individuals, families, businesses, or farms?

Number of:

Individuals _____

Families _____

Businesses _____

Farms _____

☐ Yes ☒ No**ITEM 10**

Is there other related assistance on this project previous, pending, or anticipated?

See instructions for additional information to be provided.

☐ Yes ☒ No

PART III - BUDGET INFORMATION

SECTION A - BUDGET SUMMARY

GRANT PROGRAM, FUNCTION OR ACTIVITY (a)	FEDERAL CATALOG NO. (b)	ESTIMATED UNOBLIGATED FUNDS		NEW OR REVISED BUDGET		
		FEDERAL (c)	NON-FEDERAL (d)	FEDERAL (e)	NON-FEDERAL (f)	TOTAL (g)
1.	13.449B	\$	\$	\$ 58,042	\$	\$
2.						
3.						
4.						
5. TOTALS		\$	\$	\$ 58,042	\$	\$

SECTION B - BUDGET CATEGORIES

6. OBJECT CLASS CATEGORIES	GRANT PROGRAM, FUNCTION OR ACTIVITY					TOTAL (5)
	(1)	(2)	(3)	(4)	(5)	
a. PERSONNEL	\$	\$	\$	\$	\$	
b. FRINGE BENEFITS						
c. TRAVEL	2,500					2,500
d. EQUIPMENT						
e. SUPPLIES	1,000					1,000
f. CONTRACTUAL	49,542					49,542
g. CONSTRUCTION						
h. OTHER	5,000					5,000
i. TOTAL DIRECT CHARGES	58,042					58,042
j. INDIRECT CHARGES	--					--
k. TOTALS	\$ 58,042	\$	\$	\$	\$	\$ 58,042
7. PROGRAM INCOME	\$ --	\$	\$	\$	\$	\$ --

HEW-863T

BUDGET CATEGORIES

c.	Travel	\$ 2,500
	Program Monitoring, Evaluation and Technical Assistance	
e.	Supplies	1,000
	Expendable Instructions, Paper and Demonstration Material	
f.	Contractual Services	49,542
	Entitlement Monies Available to Local Education Agencies @ \$29,292	
	State Education Agency Contract for Coordinator, Early Education Programs for Handicapped Children @ \$18,000	
h.	Other	1,000
	Regional Meetings @ \$1,000 per region X 5 regions	
i.	Total	\$ 58,042

SECTION C - NON-FEDERAL RESOURCES

SECTION C - NON-FEDERAL RESOURCES					
	(a) GRANT PROGRAM	(b) APPLICANT	(c) STATE	(d) OTHER SOURCES	(e) TOTALS
8.	Early Childhood	\$	\$	\$	\$
9.					
10.					
11.					
12. TOTALS		\$	\$	\$	\$

SECTION D - FORECASTED CASH NEEDS

		SECTION D - FORECASTED CASH NEEDS				
		TOTAL FOR 1ST YEAR	1ST QUARTER	2ND QUARTER	3RD QUARTER	4TH QUARTER
13.	FEDERAL	\$ 58,042	\$ 29,021	\$ 9,673	\$ 9,673	\$ 9,675
14.	NON-FEDERAL					
15.	TOTALS	\$ 58,042	\$ 29,021	\$ 9,673	\$ 9,673	\$ 9,675

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE FISCAL YEAR									
	(a) GRANT PROGRAM	FUTURE FUNDING PERIODS (years)							
		(b) FIRST	(c) SECOND	(d) THIRD	(e) FOURTH				
16.	Early Childhood	\$ 58,042	\$ 63,265	\$ 68,960	\$ 75,166				
17.									
18.									
19.									
20. TOTALS		\$ 58,042	\$ 63,265	\$ 68,960	\$ 75,166				

SECTION F - OTHER BUDGET INFORMATION (attach additional sheets if necessary)

21. DIRECT CHARGES:

See Attached - - Budget Categories

22. INDIRECT CHARGES:

N/A

23. REMARKS:

N/A

PART IV - PROGRAM NARRATIVE (attach per instructions)

NEW-008T

PART IV PROGRAM NARRATIVE

I. INTRODUCTION

Life between the ages of 0 and 21 years is a continuum of educational experiences. From the moment of birth, a child grows, develops and learns by interacting with the surrounding environment to fulfill basic needs for food, warmth and love. It is the responsibility of the parents to meet these needs, to nurture continual growth and learning in the child.

This development, in early childhood, usually follows an orderly and progressive path for most children. For a few children, however, obstacles occur which threaten this development and consequently cause a handicap to the growth and potential of the child. Special education is offered to the preschool handicapped child and her family in an effort to remove or reduce these obstacles so that the child may learn and progress at a normal or as near normal a rate as possible.

This narrative, submitted for Preschool Incentive Grant funds, is intended to provide a state wide plan for the delivery of special education services to preschool handicapped children. It is also intended to reflect the Office of Public Instruction's philosophy, concerning early intervention of handicapping conditions and commitment in applying this philosophy to preschool special education.

The underlying conviction supporting the Office of Public Instruction's philosophy, is that all children, experiencing a handicap, should be afforded the opportunity to resolve/remediate that inconvenience in their lives, to enable them to become "contributing, confident, dignified and self-reliant human beings" (48-2.18(1)-S1800 Montana State Special Education

Rules and Regulations).

The following statements are listed to more accurately represent the growing and developing attitude, within Montana, regarding early education programs for handicapped children:

1. Early intervention does have a positive effect on both the handicapped child and the family.
2. Failure to intervene early may compound the handicap, causing secondary handicaps, such as social-emotional problems, speech and language delays/disorders, etc.
3. Parents of preschool handicapped children need support and models early, before patterns of parenting are established.
4. The cost-benefit ratio is more economical with early intervention than with later remediation.
5. Because the public school system is the largest child serving agency in the State of Montana and is obligated, by law, to identify, locate and evaluate all handicapped children, it is reasonable for the state education agency and local education agencies to assume the role of coordinator for services to preschool handicapped children. Within this role the state education agency and local education agencies will seek to utilize all available resources through the Office of Public Instruction and other state and local agencies in an endeavor to provide a comprehensive service delivery system for these children.

II. BACKGROUND INFORMATION

The State of Montana has historically been supportive of

special education for people experiencing a handicap. The State has, since 1975, funded special education on a 100% level, which included all indirect costs incurred by the local education agency, in serving handicapped students.

State legislation passed in 1977, House Bill 816, mandated local education agencies to provide special education services to children, 6 through 18, by September 1, 1977. Also included in House Bill 816 was a provision requiring special education services to handicapped children ages 3 through 5 and 18 through 21 by September 1, 1980. The 1979 legislature, however, has approved a bill which will remove the mandate requirement to serve handicapped children ages 3 through 5 and 18 through 21, but will allow local districts to apply for funds on a discretionary basis. Therefore, consistent with §121a.300 of the Federal Rules and Regulations, the State of Montana has opted to serve handicapped children 0 through 5 and 18 through 21, on a permissive basis (House Bill 624). School districts wishing to maintain or expand their special education programs to include these age groups will be funded, providing state funds allow, at the same rate as funded for the 6 through 18 year age group.

Additional legislative action affecting preschool special education is House Joint Resolution 72, Roles and Responsibilities for State Agencies Serving Handicapped Children, (See attachment) passed in 1977. The Senate and the House of Representatives jointly requested the Governor and the Superintendent of Public Instruction to provide the leadership necessary to develop cooperation and coordination between agencies to adequately meet the needs of handicapped children. It was the purpose of

this resolution to clarify roles and delineate areas of responsibility for state agencies obligated to serve handicapped children. Providing appropriate service to all children experiencing a handicap, while at the same time decreasing the amount of redundant services offered between agencies, were the goals. Under this resolution the Office of Public Instruction and the Department of Health and Environmental Sciences have the overall responsibility to "find and assure that handicapped children are being served". The intent of this resolution is of particular importance to the preschool handicapped child, who for the most part, has largely been overlooked in the past. This grant will enable the Office of Public Instruction to provide the leadership and incentive to local education agencies and to other state agencies, encouraging cooperation and coordination through communication to better and more comprehensively serve preschool handicapped children. Section IV, Objectives and Approach, contains more specific information concerning the fulfillment of this overall goal.

III. NEED FOR THIS ASSISTANCE

A. Current Status of Preschool Special Education

As of December 1, 1978, school districts within the State of Montana were serving 1,205 preschool handicapped children 0 through 5 years of age. The U.S. Census Bureau estimated there to be 59,000 children in Montana below the age of 5 years during 1977. From these figures one can see, roughly 2 percent (or 1,205 children) of the preschool population has been identified as handicapped and is receiving service from the public school system. The Montana state education agency has reported 10,444 children were served under P.L. 94-142, or 5.62 percent of their total school population

during the 1977-78 school year (as reflected in the U.S. Office of Education Report to Congress on Implementation of P.L. 94-142).

If this 5.62 percent were applied to the preschool population reported above, theoretically 3,316 preschool children would be handicapped. Subtracting the 1,205 children already identified as receiving special education from this theoretical number leaves a potential of 2,111 handicapped preschool children not receiving service from the public school system. These figures may be indicative of the difficulties innate in identifying preschoolers with learning disabilities and emotional disturbances, which could lower the number of children identified as handicapped. This number, however, does not reflect those children served by Head Start Programs, Developmental Disabilities, Maternal and Child Health, etc. It is possible all 2,111 preschool handicapped children are receiving service from one or more of the above agencies. This extremely optimistic outlook would still leave room for improvement, in that there appears to be very little communication and still less coordination and cooperation among agencies mandated to serve this age group.

B. State Legislation Affecting Preschool Special Education

Current State legislation adds significantly to the complexity of providing special education service to children below the age of 6 years. There are two very important factors which cause concern, the first of which is the permissive aspect of House Bill 624. Many local education

agencies, under the permissive nature of state law, will elect not to serve this age group. This is substantiated by data collected through a questionnaire sent to each of the 584 school districts within the State of Montana. Response to the questionnaire indicated many local education agencies will not expand their special education programs to serve preschool handicapped children.

The second factor relates to anticipated legislative action, putting a limitation on state funding for special education. Proposed state funding levels are \$48 million or 20 percent less for 1979-81 than for the last biennium. This will require an increase in local and county funding of certain special education costs. Preschool special education is affected by this action, in that programs will eventually be cut and handicapped children 6 through 18, as mandated by state law will necessarily be the highest priorities within school districts. This will jeopardize the continuation of existing preschool programs and hinder the initiation of new programs within school districts with handicapped children 0 through 5 years of age, if local education agencies are forced to assume the financial responsibility for service to this age group.

These two factors are seen by parents and special educators as a serious threat to the well being of handicapped children. Early intervention is seen by these two groups as the most cost effective period for the amelioration of handicapping conditions and provides these children with an optimal prognosis for a normal and productive life.

IV. OBJECTIVES AND APPROACH

A. Objectives

In March of 1979 a questionnaire was sent to every local education agency within the state to identify the current services offered and to appraise the State Education Agency of unmet needs in providing service to preschool handicapped children. The goals listed below were written as a reflection of those needs as established by local education agencies responding to the questionnaire.

- Goal 1. To facilitate communication and coordination among service providers to generate, for preschool handicapped children, the most comprehensive service delivery system possible.
- Goal 2. To identify, locate and evaluate all handicapped children 0 through 5 years of age living in the State of Montana.
- Goal 3. To increase the percentage of preschool handicapped receiving comprehensive special education services from 36% (or 1,205 children) to 56% (or 1,857 children).

A more specific outline of goals and objectives follows in the form of a work plan for each individual goal. This plan includes activities to be completed with accompanying time lines and evaluation procedures.

WORK PLAN

TARGET POPULATION: All public and private human service providers serving preschool handicapped children.

GOAL : To facilitate communication and coordination among service providers to generate for preschool handicapped children the most comprehensive service delivery system possible.

OBJECTIVES	ACTIVITIES	TIME LINE	EVALUATION
1.0 The State Education Agency will initiate communication with other agencies to begin a concerted effort to serve handicapped preschool children.	1.1 Hire a preschool special education specialist to begin contact with other agencies. 1.2 Contact all state agencies obligated to serve preschool handicapped children.	1.1 September 1, 1979 1.2 November 1, 1979	1.1 Complete when said specialist is on Office of Public Instruction staff. 1.2 Complete when contact with all state agencies is made and further lines of communication established
2.0 The State Education Agency will compile a list of resources available to local education agencies serving handicapped preschoolers.	2.1 Produce a resource directory to include all public and private human service providers, interested and/or mandated to serve handicapped children 0 through 5. 2.2 Provide a list to all local education agencies of grants and flow through monies available to serve preschool handicapped children (Incentive money, HCEEP-First Chance Monies, Programs That Work-Title IV, etc.)	2.1 October 30, 1979 2.2 October 30, 1979	2.1 Considered complete when 75% of all local education agencies have available to them a resource directory. 2.2 Accomplished when a minimum of one local education agency within each region has applied for supplementary funds.
3.0 The State Education Agency will initiate and encourage continuation of regional meetings to focus on cooperative efforts in service delivery.	3.1 Conduct meetings in each of the five regions in Montana, to include such agencies as Indian Health Service, Head Start Programs, Welfare, Maternal and Child Health, Developmental Disabilities, local education agencies, etc. 3.2 Form a preschool special education committee with each region, to enable ongoing communication and cooperation. 3.3 Form a preschool special education committee at the State level to include representatives from each of the above mentioned groups to encourage ongoing communication and cooperation.	3.1 December 30, 1979 3.2 December 30, 1979 3.3 October 30, 1979	3.1 Complete when each of the five regions have met and established a regular meeting schedule, as reported in a summary on file with the Office of Public Instruction. 3.2 (See 2.1) 3.3 Complete when representatives from all state agencies have met and established a quarterly meeting schedule as reported in a summary on file with the Office of Public Instruction.

WORK PLAN

TARGET POPULATION: All handicapped children 0 through 5 years of age.

GOAL : To identify, locate and evaluate all handicapped children 0 through 5 years of age living in the State of Montana.

OBJECTIVES	ACTIVITIES	TIME LINE	EVALUATION
1.0 The State Education Agency and local education agencies will identify and locate all handicapped children ages 0 through 5.	<p>1.1 Conduct a state wide media campaign to facilitate parent and community referral of preschool handicapped children.</p> <p>1.2 Contact all state and federally funded programs to locate and identify all preschool handicapped children receiving service and those in need of service.</p> <p>1.3 Contact all private human service providers (physicians, audiologists, optometrists, etc) to locate and identify all preschool handicapped children receiving service or in need of service.</p>	<p>1.1 October 30, 1979</p> <p>1.2 December 30, 1979</p> <p>1.3 February 28, 1979</p>	<p>1.1 Complete when State Child Find activities are initiated through television, radio and newspapers.</p> <p>1.2 Complete when all stated agencies have provided the Office of Public Instruction with child count information.</p> <p>1.3 Considered complete when 25 private human service providers have been contacted within each of the five regions.</p>
2.0 The local education agencies will screen all handicapped children 0 through 5 and evaluate or refer for evaluation	<p>2.1 The local education agencies will screen all children having high risk of being handicapped to determine appropriate evaluation procedures.</p> <p>2.2 The local education agencies will evaluate all handicapped children 0 through 5, or refer to an appropriate agency or professional for evaluation.</p>	<p>2.1 January 30, 1980 and ongoing</p> <p>2.2 February 28, 1980 and ongoing</p>	<p>2.1 A written report will be made, including the number of preschool children screened, evaluated and referred for evaluation indicating age, sex and handicapping condition.</p> <p>2.2 (See 2.1 above)</p>

WORK PLAN

TARGET POPULATION: Handicapped preschool children 0 through 5 years of age.

GOAL : To increase the percentage of preschool handicapped receiving comprehensive special education services from 36% (or 1,205 children) to 56% (or 1,857 children).

OBJECTIVES	ACTIVITIES	TIME LINE	EVALUATION
1.0 To encourage local education agencies to initiate, maintain or expand their special education programs to include preschool handicapped children age 0 through 5.	<p>1.1 To financially supplement local education agencies with Pre-school Incentive money and State Special Education funds to serve preschool handicapped children.</p> <p>1.2 Provide technical assistance to local education agencies interested in serving preschool handicapped children.</p> <p>1.3 Assist local education agencies in recruiting for qualified professionals to serve their preschool handicapped population.</p>	<p>1.1 October 1, 1979</p> <p>1.2 September 1, 1979 and ongoing</p> <p>1.3 August 1, 1979 and ongoing</p>	<p>1.1 A written summary of all programs initiated, maintained or expanded to serve preschool handicapped children.</p> <p>1.2 (See 1.1 above)</p> <p>1.3 (See 1.1 above)</p>
2.0 To encourage local education agencies to utilize existing resource providers (through regional committees) in serving preschool handicapped children.	<p>2.1 Provide local education agencies with model contracts and agreements to facilitate interagency cooperation.</p> <p>2.2 Provide all local education agencies with the Resource Directory listing available service agencies and funding sources.</p>	<p>2.1 September 30, 1979 and ongoing</p> <p>2.2 October 30, 1979 and ongoing</p>	<p>2.1 Considered completed when 652 unserved handicapped preschoolers are enrolled in a special education program.</p> <p>2.2 (See 2.1 above)</p>

B. Approach

The approach taken by this grant will follow the activities listed in the work plan for each objective. Further elaboration is needed in certain areas to clarify the intent and direction of the objectives.

1. Coordinator, Early Education Programs for Handicapped Children

To accomplish the goals and objectives discussed above and to coordinate efforts between the State Education Agency, local education agencies and other agencies, a specialist in early education programs for handicapped children will be hired. The following is a list of duties and responsibilities to be carried out by this specialist:

- a. Assist the local education agencies in the development of education programs for preschool handicapped children.
- b. Prepare Preschool Incentive Grants under EHA-B State Plan.
- c. Assist school districts in securing federal competitive funds for preschool programs.
- d. Assist in monitoring education programs for early childhood handicapped to comply with state and federal mandates.
- e. Serve as consultant to the State Advisory Panel as required by federal law (P.L. 94-142).

2. Assistance to Local Education Agencies

Local education agencies will have the opportunity

to apply for the preschool incentive grant money and will be notified of the availability of funds as soon as the Office of Public Instruction receives the federal allocation. The local education agencies will then submit to the Office of Public Instruction a proposal indicating need, objectives, evaluation strategies and budget. All proposals submitted will be read and rated by a reading team giving priority to proposals providing direct service to unserved, severely involved preschool handicapped children. Other priorities will be given to local education agencies proposing to identify, locate and evaluate handicapped children in the preschool age group. All applications will be evaluated as to their adherence to the goals and objectives established in this Preschool Incentive Grant.

3. Factors Which Might Accelerate or Decelerate the Work

The following are factors which might accelerate or decelerate the work proposed by this grant:

- a. Recent legislation pertaining to the permissive option local education agencies have to serve preschool handicapped children and House Joint Resolution 72, which delineates interagency responsibility in serving handicapped children.
- b. The time line the Bureau of Education for the Handicapped follows in notifying state education agencies of program approval.

4. Data Collection

All local education agencies receiving Preschool

Incentive Grant money will be required to submit quarterly reports to the Office of Public Instruction specifying progress made on stated objectives. It is through these reports that the Office of Public Instruction will collect data, such as number of children served directly/indirectly, handicapping condition, age, sex, services provided, etc. Additionally, those local education agencies providing direct service to preschool handicapped children will include them on their annual child count forms. Each program receiving incentive money will be evaluated in terms of meeting stated objectives and time lines consistent with the objectives, activities and time lines outlined in this grant.

5. Contributors

The contributors will include all state agencies serving preschool children, as outlined in House Joint Resolution 72. Other programs to be involved will be local Head Start Programs, private schools and day care centers, Montana University Affiliate Program, along with private consultants such as audiologists, optometrists, pediatricians, etc. The involvement of each contributor will be coordinated through the Office of Public Instruction by the preschool specialist.

V. EXPECTED RESULTS

The overall outcome expected from implementation of this grant is the development of a communication network among service agency providers facilitating a decrease in redundant resources offered and an increase in comprehensive service provided to handicapped preschool children. This development is expected to be initiated

on the State, regional and local levels, and will involve the State Education Agency, local education agencies, Maternal and Child Health, Montana University Affiliate Program, Head Start Programs, Developmental Disabilities Division and other public and private agencies.

A. Goal I

The anticipated benefit to be derived from the fulfillment of the first goal is an interagency awareness of strengths and weaknesses of each program, and possible areas of collaboration. If this goal can be realized, it will enable the most efficient use of a limited amount of funds and will enhance the continuity of program as responsibility for the child is transferred from one agency to the next (i.e. Head Start to public school). Additionally, if interagency cooperation and coordination can be attained each can supplement the other in terms of training, technical assistance, materials, provision of direct service and so on. This communication and cooperation between agencies is critical to preschool handicapped children in the State of Montana in light of the severe concern regarding conservation of the tax dollar and reduction in special education spending.

1. Objective 1.0

By contracting with a preschool special education specialist, the State Education Agency will demonstrate a strong interest and commitment to preschool special education. This will benefit the entire state in that concerns can be directed to and handled by this professional. The establishment of this position will expedite coordination among agencies and enhance service delivery to preschool

handicapped children.

2. Objective 2.0

The production and dissemination of a resource directory and funding source list specifying programs, resources, training, funding sources, etc. will increase local education agencies awareness of other service options available to them in serving preschool children with special needs.

3. Objective 3.0

The Office of Public Instruction will initiate interagency communication by coordinating and hosting regional meetings to involve all public and private human service providers interested in attending. It is expected that the benefits derived from such communication will result in interagency agreements delineating specific areas of collaboration. An additional benefit will be the communication taking place on three levels; state, regional and local. The accomplishment of this objective will facilitate the successful completion of all other objectives outlined in this grant.

B. Goal II

Federal law states that all handicapped children between the ages of 0 and 21 years shall be identified, located and evaluated. The state of Montana has theoretically 3,316 handicapped preschoolers in the state, of which 36% have completed the Child Find process. The foreseen benefit attained from the completion of the second goal will be the identification, location and evaluation of all preschool handicapped children in the State of Montana. House Joint Resolution 72 provides

the frame work for implementation of strategies to meet this goal through interagency cooperation. This interaction will be initiated in Goal I with regional meetings. There are many agencies, public and private, with information that would facilitate the State Education Agency and local education agencies in their Child Find efforts. For example both Developmental Disabilities and Head Start seek out and serve preschool handicapped children but do not typically exchange this information with the State Education Agency or local education agencies and visa versa. The completion of this goal will result in a cooperative, comprehensive Child Find process.

1. Objective 1.0

Completion of this objective will result in increased community awareness of the Child Find service available to handicapped children. It is expected this will increase the number of preschool handicapped children identified by the local education agencies.

2. Objective 2.0

Objective 2.0 will, when completed, result in the evaluation of all handicapped preschoolers living in the state of Montana.

C. Goal III

There are 1,205 preschool handicapped children receiving special education services from Montana local education agencies at this time. The expected outcome of this goal is the increase of children served by 652 by September 1, 1980. This is a 50% increase over the number of preschool children receiving service during the 1978-79 school year. It is

expected that many of the new programs to be initiated will be located in the more rural areas of Montana, where preschool special education was not a service option in the past.

1. Objective 1.0

The implementation of this objective will result in local education agencies extending their special education services to preschool handicapped children. All local education agencies are eligible to apply for Incentive Grant money to accomplish this with priority given to new and rural programs.

2. Objective 2.0

The result of this objective will be increased interagency cooperation in many areas such as child referral, inservice training, material exchange, etc. This will result in more handicapped preschoolers receiving the special education they require.

PART V

ASSURANCES

The Applicant hereby assures and certifies that he will comply with the regulations, policies, guidelines, and requirements including OMB Circular No. A-95 and FMCs 74-4 and 74-7, as they relate to the application, acceptance and use of Federal funds for this Federally assisted project. Also the Applicant assures and certifies with respect to the grant that:

1. It possesses legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

2. It will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and in accordance with Title VI of that Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement.

It will comply with Title VI of the Civil Rights Act of 1964 (42 USC 2000d) prohibiting employment discrimination where (1) the primary purpose of a grant is to provide employment or (2) discriminatory employment practices will result in unequal treatment of persons who are or should be benefiting from the grant-aided activity.

4. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property

Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as result of Federal and federally assisted programs.

5. It will comply with the provisions of the Hatch Act which limit the political activity of employees.

6. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.

7. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

8. It will give the grantor agency or the Comptroller General through any authorized representative the access to and the right to examine all records, books, papers, or documents related to the grant.

9. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with FMC 74-7.

ATTACHMENT

HOUSE JOINT RESOLUTION 72

ROLES AND RESPONSIBILITIES FOR

STATE AGENCIES SERVING HANDICAPPED CHILDREN

INTRODUCTION

Outlined below are roles and responsibilities to be assumed by state agencies serving handicapped children. The purpose in listing these roles and responsibilities is not to alter the services being provided by state agencies but to define what agencies are doing and the relationship between agencies.

In general, the roles and responsibilities described below give the Department of Health and Environmental Sciences (DHES) and the Office of the Superintendent of Public Instruction (OSPI) a broad responsibility to find and assure that handicapped children are being served. This assignment of broad responsibility does not mean other agencies are relieved of serving handicapped children but rather that services need to be better coordinated with a clear understanding of who is responsible for seeing that the child's needs are met.

This outline is meant to serve as a broad general policy for the provision of services to handicapped children. It should also serve as a mechanism for mediation when conflict as to areas of responsibility arise between agencies. The welfare and interest of the child being served should take precedent in any area of these roles and responsibilities.

The concept of a continuum of services is implicit in this assignment of roles. This concept is generally that services begin with finding and evaluating the client, who then is provided services in increasingly intensive and restrictive programs until the client no longer needs services.

DEFINITIONS

The general definitions used for phases in the continuum of services are as follows:

Outreach/Referral - This phase includes all those services specifically directed at identifying clients, such as: outreach programs, screening clinics, tracking projects, and child-find projects. Prime responsibility in this area does not mean that other agencies should not look for handicapped children but rather that every child found should be reported to the agency responsible for serving the child.

Evaluation/Diagnosis - This phase includes assessment and comprehensive evaluation of more than one area of the child's functioning to determine whether the child is handicapped and the extent of the child's handicap and the development and adoption of an individual services plan.

Comprehensive Evaluation means an evaluation of more than one area of a child's functioning so that no single evaluation shall be the sole criteria for determining appropriate services. Such evaluations shall be compiled from as many of the following areas as deemed necessary for determining the child's performance. This is to include the characteristics of the family, the child's unique needs and the family's adjustment to their child's impairment.

- Medical history and evaluation;
- Educational and developmental history;
- Personal/Social/Emotional functioning;
- Academic functioning;
- Vocational/occupational/rehabilitation needs;
- Communication skills;
- Gross motor/fine motor/sensory skills;
- Adaptive behavior;
- Nutritional history.

The prime agency for this phase is responsible for seeing that the child is evaluated and that an Individual Services plan is developed.

Outpatient/Counseling - This phase includes all services in the child's Individual Services plan that can be provided in a community setting. This phase includes services such as: special education services in the school, or at home, out-patient or short-term medical treatment (including mental health care), day care, speech therapy, and vocational rehabilitation services.

Alternative Living Arrangements - This phase includes all services to the child that require 24-hour residential or foster care. Examples include: foster care, group homes, boarding schools and residential settings of twelve or less clients.

Residential Treatment Facilities - This phase includes all services provided in a residential setting of more than twelve clients that is medical, long-term, intensive or secure in nature. Included are those clients placed under the commitment law. Examples include: Boulder River School and Hospital, Yellowstone Boys' Ranch, Warm Springs Children's Unit and out-of-state treatment programs.

The definitions of general terms as used in the context of this paper are as follows:

Case Management - The responsibility of an agency to develop, plan and execute with parent/guardian agreement an Individual Services plan for each child for whom it has this responsibility. Only one agency at a time shall have case management. The Individual Services plan shall be provided by the case management agency to all other involved agencies to fulfill the other agencies' legal requirements. Case management should include evaluation of the plan as to the appropriateness of the individual services being provided.

Tracking - The process whereby an agency formulates a listing of children needing or receiving services and the agency providing the service. Periodic updating is done on the listing to insure current information.

Annual Review - As performed during the process of tracking. Annual review is the confirmation or validation that an active individual services plan exists for each child. This review should not include any judgment as to the quality of the individual services being provided.

Responsible agency - The agency which has case management responsibility and who implements and executes the individual services plan for each client. This agency has the responsibility to see that the child is receiving all services which are appropriate and necessary.

The definitions of various types of handicapping conditions as found in the federal regulations pertaining to special education programs are as follows:

Deaf means a hearing impairment which is so severe that the child's hearing is nonfunctional for the purposes of functional performance.

Deaf-blind means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and learning problems that they cannot be accommodated in services programs solely for deaf or blind.

Hard of hearing means a hearing impairment, whether permanent or fluctuating, which adversely affects a child's functional performance but which is not included under the definition of "deaf" in this section.

Mentally retarded means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects a child's functional performance.

Orthopedically impaired means a severe orthopedic impairment which adversely affects a child's functional performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.) and impairments from other causes (e.g., fractures or burns which cause contractures, amputation, cerebral palsy, etc.).

Other health impaired means limited strength, vitality, or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes.

Seriously emotionally disturbed means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree: an inability to learn which cannot be explained by intellectual, sensory, or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers and adults; inappropriate types of behavior or feelings under normal circumstances; a general pervasive mood of unhappiness or depression; or a tendency to develop physical symptoms, or fears associated with personal or interpersonal problems. The term includes children who are schizophrenic or autistic. The term does not include children who are socially maladjusted but not emotionally disturbed.

Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain disfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, of motor handicaps, of mental retardation, or of environmental, cultural, or economic disadvantages.

Multihandicapped means concomitant impairments (such as mentally retarded-blind, mentally retarded - orthopedically impaired, etc.), the combination of which causes such severe functional problems that they cannot be accommodated in services programs solely for one of the impairments. The term does not include deaf-blind children.

Speech impaired means a communication disorder, such as stuttering impaired articulation, a language impairment, or a voice impairment, which adversely affects a child's functional performance.

Visually handicapped means a visual impairment which, after correction, adversely affects a child's functional performance. The term includes both partially seeing and blind children.

AGENCY ROLES AND RESPONSIBILITIES

I. Department of Health and Environmental Sciences

(Health Services Division)

A. Roles and Responsibilities

1. DHES shall be the principal agency for seeking out, evaluating, and referring handicapped children, age 0 thru 5.
2. DHES shall maintain a record of all handicapped children, age 0 thru 5, who are served by state agencies or grantees of state agencies. DHES shall be the prime agency responsible for tracking all handicapped children, age 0 thru 5.
 - (a) DHES shall make reports available to SRS, OSPI, and other state agencies as needed to assure that all handicapped children are located and served.
3. DHES and OSPI shall develop by July 1, 1979 a procedure for the transfer of responsibility for handicapped children age 3 thru 5 from DHES to OSPI.
4. DHES shall at least annually review all known handicapped children, age 0 thru 5, to assure that the child is being served or that the individual services plan has been completed.
5. DHES shall refer all persons who are primarily / developmentally disabled (DD) to SRS for case management.
 - (a) DHES shall maintain records of DD clients as a part of its record system and carry out the review described in sections 2 and 4.
 - (b) DHES shall provide case management of persons suspected of being developmentally disabled until the person is evaluated. If an evaluation indicates that a person

5. (continued)

is primarily developmentally disabled, SRS shall then provide case management and develop the individual services plan upon referral from DHES.

6. DHES with the assistance and cooperation of other state agencies shall provide regional center child study teams for the evaluation of all suspected handicapped children age 0 thru 5.

B. Actions Required by DHES

1. DHES shall amend state plans required by federal agencies to conform with the roles and responsibilities described above.
2. DHES shall develop a procedure to involve participation by other agencies in the ongoing costs and implementation of an interagency information and record system by June 1, 1978.
3. DHES shall incorporate the delegation of the above roles and responsibilities into all grants and contracts with local agencies serving handicapped children.
4. DHES shall adopt administrative rules to implement the roles and responsibilities described above including rules:
 - (a) Governing the recording and dissemination of information concerning handicapped children.
 - (b) Setting out procedures for identification and evaluation of handicapped children.
 - (c) Setting out procedures for regional center child study teams, including appeal procedures and procedures for involving other agencies.
 - (d) Setting out the procedures for referring developmentally disabled persons to SRS.
5. DHES shall develop an agreement to make available appropriate amounts from Title XVI funds and to delegate responsibilities to OSPI for services to SSI recipients over age five.
6. DHES shall develop a plan to orient employees and grantees to the department's role in serving handicapped children.

7. DHES shall develop an agreement with various local/regional agencies to assure that comprehensive evaluations for handicapped children are available. When services are not available through local or regional agencies DHES shall develop an agreement with participating agencies to arrange appropriate funding and staffing of regional centers or other cooperative arrangements with agencies which have evaluation capabilities in order to enable comprehensive evaluations for handicapped children.

II. Office of the Superintendent of Public Instruction

(Special and General Services)

A. Roles and Responsibilities

1. OSPI shall be the principal agency for seeking out, evaluating and referring handicapped children, age 6 thru 18.
2. OSPI shall maintain a record of all handicapped children age 6 thru 18, who are served by state agencies or grantees of the state.
 - (a) Records must be maintained in compliance with PL 94-142, sec. 121a 450 - 121a 466.
 - (b) OSPI shall develop reports of children being served as requested by other state agencies serving handicapped persons, when parental agreement is obtained.
3. OSPI through the local school district shall have the responsibility for case management for all handicapped children age 6 thru 18 except for those children living in alternate living arrangements or residential treatment facilities, with a condition other than "specific learning disabilities" or "speech impairment". A child who has a specific learning disability or speech impairment shall be the responsibility of the OSPI unless OSPI refers that child to another state agency which accepts responsibility for case management.
4. The "Child Study Process" set out by OSPI in 48-2.18(18)-S18280 shall serve as the primary procedure for the evaluation, referral and case planning for all state agencies serving handicapped children, age 6 thru 18.

5. OSPI shall not have case management responsibility for handicapped children (age 6 thru 18) living in alternate living arrangements or residential treatment facilities or for children returning to the community from such facilities for a period of 90 days after leaving the facility.

B. Actions Required by OSPI

1. OSPI shall develop agreements with other agencies that set out OSPI and local school district obligations to pay educational costs for children placed in alternate living arrangements.
2. OSPI shall modify administrative rules concerning "Individual Services Team", to require participation of other agencies in cases where the child's needs may require placement in alternate living arrangements or assistance by public agencies other than the school district.
3. OSPI shall develop reporting procedures with other agencies to assure that all handicapped children or children suspected of having a handicap are reported to the appropriate school district by the nonschool agency.
4. OSPI shall carry out a program to inform local education agencies of the role of education agencies and other state agencies in serving handicapped children.
5. OSPI and DHES shall develop a procedure by July 1, 1979 for the transfer of responsibility for handicapped children age 3 thru 5 from DHES to OSPI.

III. Department of Social and Rehabilitation Services (SRS)

A. Roles and Responsibilities

1. SRS shall provide case management for any child who, is diagnosed as mentally retarded or emotionally disturbed and who is in need of alternative living arrangements or residential treatment facilities and for 90 days after leaving such facilities.
2. SRS shall retain the ultimate authority for acting in the behalf of all handicapped children of whom SRS has custody.

III. (continued)

2. (continued)

- (a) The agency otherwise responsible for the child shall be responsible for case management. The fact that SRS has custody of the child does not relieve other agencies of responsibilities of serving the child.
 - (b) When a ward of SRS is within a residential treatment facility, case management is the responsibility of the facility and SRS will act as an interested party much the same as a parent acts. Educational services will be provided in accordance with the special education rules and regulations as adopted by the Superintendent of Public Instruction.
- 3. SRS shall be responsible for planning and developing those services for developmentally disabled children that are not provided by other state agencies or mandated to be provided by other agencies, (i.e., free and appropriate public education).
 - 4. SRS shall provide vocational rehabilitation services to eligible handicapped children referred by other agencies.

B. Actions Required by SRS

- 1. SRS shall publish administrative rules, consistent with the roles and responsibilities listed above, that define protective services to handicapped children under RCM 71-1902(2), by July 1, 1978.
- 2. SRS shall develop policy and administrative rules that incorporates the roles and responsibilities listed above into the criteria used in awarding grants and contracts for services to handicapped children by July 1, 1978.
- 3. SRS shall make adherence to the roles and responsibilities listed above a condition of all grants and contracts for services to the handicapped.
- 4. SRS shall carry out a program to orient staff and grantee organizations of the roles of state agencies serving handicapped children.
- 5. SRS and DHES shall develop a procedure for the referral of developmentally disabled children (age 0-5) from DHES to SRS by July 1, 1978.

B. (continued)

4. SRS shall be responsible for proposed legislation to deal with the issues of confidentiality as it relates to the team approach to case management for handicapped children by July 1, 1978.

IV. Department of Institutions

A. Roles and Responsibilities

1. The Department of Institutions through the community mental health centers shall provide evaluation and treatment services to emotionally disturbed children referred by DHES, SRS or local educational agencies. These services shall be provided without regard to ability to pay.
2. Eastmont Training Center shall serve handicapped children whose placement at Eastmont is determined to be appropriate by consultation between Eastmont and local education agencies and shall provide case management services to children at Eastmont until the child is referred on to a special education program. Each child will be reviewed at least annually by the special education agency to determine that the placement at Eastmont is still appropriate.
3. The Department of Institutions shall provide case management services for all handicapped children while the child is a resident of a state residential treatment facility.

B. Actions Required by the Department of Institutions

1. The Department of Institutions shall incorporate the roles described above into contract for services with each community mental health center, including a procedure for screening referrals by other state agencies of emotionally disturbed children whose individual services plan proposes placement in a residential treatment facility or an alternative living arrangement.
2. The Department of Institutions shall orient members of its staff and grantees to the roles of state agencies in serving handicapped children.

V. Montana School for the Deaf and Blind (MSDB)

A. Roles and Responsibilities

MSDB shall serve children referred through local education

V. (continued)

A. (continued)

agencies and shall provide case management for handicapped children until they are returned to special education programs, or SRS.


B. Actions required by MSDB

MSDB staff should be oriented to the roles and responsibilities of state agencies serving the handicapped.

We, the undersigned, hereby agree that we have reviewed and approve the attached document describing "Roles and Responsibilities for State Agencies serving Handicapped Children", and furthermore that we shall cooperate and assist in implementing the recommendations contained therein.



Director
Department of Institutions



Director
Department of Health and
Environmental Sciences



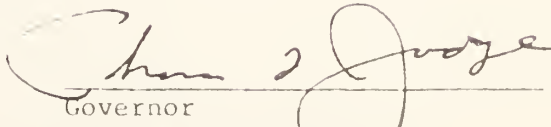
Director
Department of Social and
Rehabilitation Services



Special Education



Superintendent of Public Instruction



Governor
MARCH 14, 1978

SECTION FOUR

Attachment

1. Montana Special Education Rules and Regulations
(included for BEH use only)
2. Monitoring Review Forms
3. Parts B and D Local Education Agency Application
Forms
4. Due Process Hearing
5. Montana Statute 20-7-401
6. Montana Special Education Advisory Panel
7. Participants in Statewide Child Find Effort
8. Public Hearing Comments Regarding FY 29 APP
9. FY 1978 LEA Entitlements under EHA, Part B.
10. Montana Accreditation Standards 161 and 162.
11. Participants in Cooperative Manpower Planning
(Part D Plan included for BEH use only)



SPECIAL EDUCATION

RULES AND REGULATIONS REFERENCE MANUAL

• GEORGIA RICE, SUPERINTENDENT, OFFICE OF PUBLIC INSTRUCTION • STATE CAPITOL • HELENA, MT. 59601

AUGUST 1977

ATTACHMENT 2

MONITORING REVIEW FORMS

RECORD REVIEW

District _____ City _____ County _____

Child's Initials _____ B/d _____ Grade or Educational level _____

I. Screening

Yes/No

Date

1. Vision (Near and far point) _____

2. Hearing _____

3. Academic - specify _____

4. Readiness - specify _____

Comment:

II. Referral

1. Is there a referral form on file? _____

2. Is this form signed by the referring person? _____

3. Does the referral form cite reasons for referral? _____
If so what reasons are cited? _____

III. Written prior notice to parents

1. Were parents informed of the reason for referral? How? _____

2. Were surrogate parents appointed if necessary? _____

3. Is there a signed parental permission slip on file? _____

IV. Evaluation

1. Name the tools used for the psychological evaluation and recorded on the Child Study Team (CST) report. _____

2. Name the achievement test(s) recorded on the CST report. _____

3. What class performance criteria are recorded? (grades, participation etc.)

4. What social/emotional information is recorded on the CST report?

5. Other, please specify.

V. Child Study Team

1. Participant

- a. Who was the chairperson? _____
- b. Who was the special education teacher? _____
- c. Who was the psychologist? _____
- d. Who was the regular class teacher? _____
- e. What grade or subject does the regular class teacher teach? _____
- f. Who was the principal or the principal's designee? _____
- g. Who were the parent(s)? _____
- h. Who was the speech therapist? _____
- i. Others (List name and title) _____

2. Did all participants sign the CST report? _____

3. Were dissenting reports by members included? _____

VI. Handicapping Condition

- _____ 1. Is the handicapping condition specified?
- _____ 2. What is the handicapping condition?
- _____ 3. Does the evaluation(s) support the identification of the condition?

Comment:

VII. IEP

1. Were the appropriate participants present?

- _____ a. LEA official
- _____ b. special education teacher
- _____ c. parents
 - _____ 1) If not is there documentation to show effort for securing attendance?
 - _____ 2) Did the parents sign the IEP?

2. Does the IEP include the following required items?

- _____ a. present level of educational performance
- _____ b. annual goals
- _____ c. short term instructional objectives
- _____ d. educational services to be provided, please list

- _____ e. extent of participation in regular programs
- _____ f. initiation date and anticipated duration of services
- _____ g. appropriate criteria and evaluation for objectives
- _____ h. secondary
 - _____ 1) Is there a realistic balance of basic and survival skills?
 - _____ 2) Is vocational planning included?

3. Has the IEP been reviewed annually? _____

VIII. Placement

- _____ 1. Is the placement based on recommendations of the CST?
- _____ 2. Was the placement within 30 days of CST meeting?
- _____ 3. Has a permission for change in placement been signed by the parents?
- _____ 4. Has there been an annual review of the placement?
- _____ 5. Approximately how long a period of time transpired between the date of initial referral and the actual program placement?

MONTANA SPECIAL EDUCATION ON SITE MONITORING SUMMARY

School District _____ City _____ County _____

Superintendent _____

Date of Visitation _____

	APPROVED	ON FILE NOT YET APPROVED	NOT C FILE
A. Is there a Program Narrative on file with the Office of Public Instruction?	_____	_____	_____
	YES	PARTIAL	NO
B. <u>Child Identification</u>			
1. Is the District making an overt effort to find handicapped children? How?	_____	_____	_____
2. How are children screened?	_____	_____	_____
a. vision	_____	_____	_____
b. hearing	_____	_____	_____
c. school readiness	_____	_____	_____
d. academic	_____	_____	_____
e. other	_____	_____	_____
3. Are preschool children eligible for services?	_____	_____	_____
C. <u>Child Study Team</u>			
1. Referral			
a. Is there a referral form on file for each student?	_____	_____	_____
b. Is the referral signed by the referring person?	_____	_____	_____
c. Does the referral form cite reason (s) for referral?	_____	_____	_____
2. Written prior notice to parents			
a. Are parents informed of the reason for referral?	_____	_____	_____
b. Are surrogate parents appointed if necessary?	_____	_____	_____
c. Are parents informed of their rights? How?	_____	_____	_____
3. Parental Permission			
a. Is there a signed parental permission for evaluation on file?	_____	_____	_____
b. Does the date on the parental permission form precede evaluation?	_____	_____	_____
c. Are evaluation instruments named on the form?	_____	_____	_____

	<u>YES</u>	<u>PARTIAL</u>	<u>NO</u>
4. Evaluation			
a. Is there a population which requires special testing to meet non-biased requirements?	_____	_____	_____
1) Is there evidence that a variety of instruments have been used for evaluation?	_____	_____	_____
2) Is there evidence that cultural environment has been considered in determining a handicapping condition?	_____	_____	_____
b. Which of the following evaluation methods are used and recorded on the CST form?			
1) psychological	_____	_____	_____
2) achievement tests	_____	_____	_____
3) class performance-grades	_____	_____	_____
4) social/emotional	_____	_____	_____
5) direct observation	_____	_____	_____
c. Has anyone requested an independent evaluation? If so...	_____	_____	_____
1) was the request honored?	_____	_____	_____
2) was the evaluation at public expense?	_____	_____	_____
3) were the results of the independent evaluation presented at the CST?	_____	_____	_____
5. Composition of the CST			
a. Were the appropriate participants present?			
1) regular classroom teacher	_____	_____	_____
2) principal or designee	_____	_____	_____
3) special education person	_____	_____	_____
4) parents - if not present is there documentation to substantiate attempts to secure attendance?	_____	_____	_____
5) school psychologist in case of MR, ED, LD handicap	_____	_____	_____
6) physician or current medical report in case of OH	_____	_____	_____
7) vision consultant in case of visual handicap	_____	_____	_____
8) speech pathologist if language or speech considered a problem	_____	_____	_____
9) list other - school nurse, vocational rehabilitation counselor, guidance counselor, etc.	_____	_____	_____
b. Did all participants sign the CST report?	_____	_____	_____
c. Were dissenting reports by members included?	_____	_____	_____
6. Handicapping Condition			
a. Is a handicapping condition specified?	_____	_____	_____
b. Does the evaluation(s) support the identification of the condition?	_____	_____	_____

D. IEP

1. Were the appropriate participants present?
 - a. LEA official
 - b. special education teacher who has direct responsibility for implementation
 - c. parents
 - 1) was a parent in attendance?
 - 2) if not is there documentation to show effort for securing attendance?
 - 3) is the IEP signed by a parent?
2. Does the IEP include the following required items?
 - a. present level of educational performance
 - b. annual goals
 - c. short term instructional objectives
 - d. educational services to be provided such as speech therapy, OT, PT, vocational rehabilitation
 - e. extent of participation in regular programs
 - f. initiation date and anticipated duration of services listed
 - g. appropriate criteria and evaluation procedures for objectives included
 - h. secondary
 - 1) Is there a realistic balance of basic skills and survival skills?
 - 2) Is a vocational program available in the district?
3. Has the IEP been reviewed annually?

E. Placement

1. Is the placement based on recommendations of the CST?
2. Was the placement made within 30 days of CST meeting?
3. Is there a variety of instruction and service options available in the district?
4. Is the least restrictive educational alternative being utilized?
5. Has a permission for change in placement been signed by the parent?
6. Are any students in short-term placements?
 - a. If so how many?
 - b. Was the placement done on the basis of the CST recommendation?
7. Has there been an annual review of the placement in a special education class?

YES

PARTIAL

NO

YESPARTIALNO

8. Are there any out of district placements? If so...
- Have all local options been investigated?
 - Was this placement made as a result of the CST and with the approval of the local school board?
 - If a residential placement is needed, was there approval by the State Superintendent of Public Instruction?
 - Is there an annual review of the child by the resident school?
9. If parents are unhappy with a placement do they know their rights and the procedure for a hearing?

Confidentiality

- Do parents have access to the information about their child?
 - Can parents get copies of student records?
 - In this district who has access to student files?
-
- Is there a provision for destruction of data?
 - What steps are taken to insure confidentiality of students' records?
 - locked file
 - statement of confidentiality at CST meetings
 - other, specify

Personnel

- Do all professional personnel meet state certification requirements?
 - supervisor of special education-Class III administrator's certificate with supervisor's endorsement in special education
 - teacher-Montana teacher's certificate plus endorsement in special education
 - school psychologist-approval from State Office of Public Instruction
 - speech pathologists-license from Montana Association of Speech and Hearing
 - social workers-Masters of Social Work degree
 - counselors for special education-counselor's endorsement
 - nurse-requirements for Public Health Nurse
 - physical therapist-hold current PT license issued by the Montana Board of Medical Examiners
 - occupational therapist-certified by American Occupational Therapy Association
 - other

ADMINISTRATION

Office of Public Instruction
Georgia Rice, Superintendent
State Capitol
Helena, MT 59601

1. Program Narrative

- a. Does your school have a Program Narrative on file with the Office of Public Instruction?

_____ Yes
_____ No

- b. Has this Program Narrative been approved?

_____ Yes
_____ No

- c. If not does the district understand what is needed for approval?

2. What is being done for staff in-service training in regard to special education?

3. Is the district making an overt effort to find handicapped children?

_____ Yes, if so how?
_____ No

4. How are children in your district screened?

_____ Vision
_____ Hearing
_____ School readiness
_____ Academic
_____ Other, please specify

5. Preschool

- a. Do you offer screening services to preschool children?

_____ Yes, how?
_____ No

- b. List any preschool programs currently operating within your attendance area? (Head Start, Day Care, etc.)

6. Private Schools

- a. If there are any private, parochial etc. schools within your attendance area please list them.

<u>School Name</u>	<u>Affiliation</u>	<u>Grades or Ages served</u>	<u>Approximate Enrollment</u>
--------------------	--------------------	----------------------------------	-----------------------------------

- b. Are your special education services made available to children enrolled in the non-public schools?

_____ Yes, if so, how?
_____ No

- c. What funds are currently being used to provide the services in 6b?

_____ State special education
_____ Federal flow through
_____ Part D funds
_____ Local
_____ Other, please specify

7. Confidentiality

Yes	No	
_____	_____	a. Do you give parents access to school records containing information about their child?
_____	_____	b. Can parents get copies of student records?
_____	_____	c. In this district who has access to student files?
_____	_____	d. Is there a provision for destruction of data?
_____	_____	e. What steps are taken to insure confidentiality of students' records? (locked file, statement of confidentiality at CST meetings, etc.)

8. Do you have supervisory personnel? If so please list them and their responsibilities.

9. Referrals

- a. Who can make referrals in your district?

_____ regular teacher	_____ parents
_____ principal	_____ special education teachers
_____ counselor	_____ other, please list

- b. In your district to whom is the referral sent?

- c. Who coordinates the referral process including scheduling the evaluation, determining the scope of the evaluation, scheduling the CST and contacting the parents?

10. Which of the following forms are used in your district?

- ☐ a. Student referral form
- ☐ b. Notice of intent to conduct an evaluation
- ☐ c. Parent permission for an evaluation
- ☐ d. Child study team report
- ☐ e. Placement form
- ☐ f. Review of educational placement
- ☐ g. Release of records form
- ☐ h. Out-of-district placement form
- ☐ i. Program evaluation for special education
- ☐ j. Others, please list

11. Placements

A. Are there any out of district placements from your district?

- ☐ 1) Were all local options investigated?
- ☐ 2) Was this placement made as a result of the CST and with the approval of the local school board?
- ☐ 3) If a residential placement was needed did you get approval by the State Superintendent of Public Instruction?
- ☐ 4) Is there an annual review of the child by your school?

B. Does your district have any short term placements?

- ☐ 1) If so how many?
- ☐ 2) Was the placement done on the basis of the CST recommendation?
- ☐ 3) Is there a signed parental consent for placement on file?
- ☐ 4) How long has each student been in the short term placement?

REGULAR TEACHER

1. Name : _____
2. Did you serve on a Child Study Team for _____ ?
(Initials of Child)

YES ☐ NO ☐

3. Did you have the opportunity to provide information in person concerning the placement/program for _____ ?
(Initials of Child)

YES ☐ NO ☐

Comment: _____

4. Do you feel that your input was heard and utilized in the decisions regarding _____ ?
(Initials of Child)

YES ☐ NO ☐

Comment: _____

5. Do you feel that your participation on this Child Study Team was of value?

YES ☐ NO ☐

Comment: _____

6. If you happened to disagree with the majority decision of the Child Study Team did you have the opportunity to file a minority report?

YES ☐ NO ☐

Comment: _____

7. Have you been asked to assist in the development of an Individualized Education Program for this child?

YES ☐ NO ☐

Comment: _____

8. How do you feel Special Education is functioning in your building?

SPEECH AND HEARING PATHOLOGIST

1. Name _____
2. Total caseload (weekly) _____
3. Total caseload receiving only services from speech and hearing clinicians

4. Are you providing any therapy to children who have not been identified as handicapped? _____

Comment :

5. How much of your working time do you spend on the following activities?

	_____ % of your time	_____ ideal use of your time
Therapy	_____	_____
Consultation (Parents and Teachers)	_____	_____
Supervision	_____	_____
Screening	_____	_____
Child Study Team	_____	_____
Inservice	_____	_____
Nonspecial education duties	_____	_____

6. What kind of problems are you working with?

	_____ approximate case numbers
Stuttering	_____
Articulation	_____
Voice	_____
Delayed Language	_____
Hearing Impaired	_____
Congenital Anomaly	_____
Malocclusion	_____
Tongue Thruster	_____
Other, specify	_____

7. Please comment on your part in the IEP procedure for students needing only speech services.
8. Please comment on your part in the IEP procedure for students you work with who need other special education services in addition to speech ones.

PRINCIPAL - COUNSELOR - SOCIAL WORKER

1. Name: _____

2. Did you serve on a Child Study Team for _____?
(Initials of Child)

YES ☐ NO ☐

Comment: _____

3. Did you have the opportunity to provide information in person concerning the placement/program for _____?
(Initials of Child)

YES ☐ NO ☐

Comment: _____

4. Do you feel that your input was heard and utilized in the decisions regarding _____?
(Initials of Child)

YES ☐ NO ☐

Comment: _____

5. Do you feel that your participation on this Child Study Team was of value?

YES ☐ NO ☐

Comment: _____

6. If you happened to disagree with the majority decision of the Child Study Team did you have the opportunity to file a minority report?

YES ☐ NO ☐

Comment: _____

7. How do you feel Special Education is functioning in your building?

FACILITIES UTILIZATION

1. Are special education classrooms within the LEA comparable with regular classrooms? _____

Comment:

2. Are facilities where handicapped students are taught appropriately equipped or modified to meet their needs? (ramps, wide doorways, toilets, etc.) _____

Comment:

3. Where are facilities located?

- _____ a. in a building with regular students
_____ b. located in a school building with only handicapped population
_____ c. in a nonschool building

Comment:

4. Are the facilities

- _____ a. appropriately safety equipped?
_____ b. equipped with push door latches?
_____ c. equipped with hand rails?
_____ d. equipped with ramps?
_____ e. located on the ground floor?

Comment:

5. Is there sufficient room to meet the needs of

- _____ a. a media and materials center?
_____ b. testing and evaluation situations?
_____ c. planning meetings?
_____ d. support services?

Comment:

6. Rental facilities

- _____ a. does the district rent facilities for special education?
_____ b. if so, have the facilities passed appropriate inspections by public officials? (fire, health etc.)

Comment:

SPECIAL EDUCATION TEACHER

1. Name _____

2. Program level and type: check both.

<p>_____ Preschool</p> <p>_____ Elementary</p> <p>_____ Junior High</p> <p>_____ High School</p> <p>_____ Combination, specify</p> <p>_____ Other</p>	<p>_____ Resource Room</p> <p>_____ Self-contained</p> <p>_____ Other, please specify</p>
---	---

3. Caseload, enter total number in each category.

<p>_____ MR</p> <p>_____ LD</p> <p>_____ ED</p> <p>_____ Sl</p> <p>_____ VH</p> <p>_____ Total</p>	<p>_____ D</p> <p>_____ HH</p> <p>_____ Ol</p> <p>_____ OHl</p> <p>_____ Other, please specify</p>
--	--

Comment:

4. What type of certification do you have?

_____ Valid Montana teaching certificate

_____ Provisional approval to teach special education

_____ Full endorsement in special education

_____ Other, please specify

5. What are your needs in terms of further training?

_____ College graduate work, please specify

_____ College extension work, please specify

_____ In-service training, please specify

_____ Professional meetings, please specify

_____ Other, please specify

_____ None

6. Approximately what percent of your time at school is/should be spent in the following?

<u>Actual</u>	<u>Ideal</u>	
_____	_____	Evaluation
_____	_____	Direct services to students
_____	_____	Consultation with other teachers
_____	_____	Paper work and group planning

Please comment on needed changes in time allocation.

7. When serving on a Child Study Team is your input heard and utilized in the decisions regarding each child?

_____ Yes

_____ No

Comment:

8. When you disagree with the majority decision of the Child Study Team do you have the opportunity to file a minority report?

_____ Yes

_____ No

Comment:

9. Who takes the lead in Individualized Education Program Planning?

Comment:

10. When planning and executing an IEP where do you get materials relating to instructional objectives?

_____ Materials on hand

_____ Regional Services Instructional Libraries

_____ Cooperative Libraries

_____ NICSEM

_____ Material in local school district

_____ Other, please specify

11. Please list several programs, methods of instruction, teacher made materials program outcomes or anything else in which you take particular pride.

12. What are some of your concerns about the state regulations, local programming, etc.? Please list possible solutions to present problems.

PARENT'S

1. Name: _____

2. Educational level of child's program:

- _____ High School
- _____ Junior High
- _____ Elementary
- _____ Preschool
- _____ Other, please specify

3. What handicapping condition does your child have?

- _____ Mental Retarded
- _____ Learning Disabled
- _____ Emotionally Disturbed
- _____ Speech Impaired
- _____ Other, please specify

In your own words please define this condition.

4. When was the initial referral of your child made?

- _____ Following a screening of all students in a class
- _____ After preschool screening
- _____ Upon parental request
- _____ Upon request of regular teacher
- _____ Other, please specify

5. Were you informed of the reason for referral? If so, how?

- _____ Yes
- _____ No

6. Were you informed of your rights as parents? If so, how?

- _____ Yes
- _____ No

7. Did you sign the following?

- | Yes | No | |
|-------|-------|----------------------------------|
| _____ | _____ | Permission for evaluation |
| _____ | _____ | Individualized Education Program |
| _____ | _____ | Permission for placement |

8. Were you asked to participate in the Child Study Team?

- _____ Yes
- _____ No

9. If you were asked for participation, how were you contacted?

10. Were provisions made for a mutually convenient time and place in regard to the meeting of the Child Study Team?

_____ Yes
_____ No

11. Did you participate on the Child Study Team?

_____ Yes
_____ No

12. Do you feel that your input was heard and utilized in the decisions regarding your child?

_____ Yes
_____ No

Comment:

13. Do you feel your participation on the Child Study Team was of value?

_____ Yes
_____ No

Comment:

14. If you did not agree with the decision of the Child Study Team were you informed of the hearing procedure?

_____ Yes
_____ No
_____ N/A

15. Approximately how long a period of time transpired between the date of the initial referral and the actual program placement?

_____ two weeks
_____ one month
_____ two months
_____ more than two months

16. Please list some aspects of the special education program in which your child has been involved, that have pleased you.

17. List some of your suggestions for an improvement of special education services at local, regional or state level.

AIDE

1. Name _____
2. Position _____
3. What percent of your working time do you spend with or preparing for handicapped children? _____

4. What are your assigned duties?
5. Please comment on some programs, methods of instruction, materials or program outcomes in which you take particular pride.
6. Please comment on some of your concerns in regard to special education locally or at any level. .

PSYCHOLOGIST

1. Name _____ Approval Status _____
2. Base Population _____
3. FTE in special education _____ %
4. How much of your working time do you spend on the following activities?

	_____ %	_____ ideal %
Testing	_____	_____
Child Study Team	_____	_____
Counseling Therapy	_____	_____
Screening	_____	_____
Administrative	_____	_____
In-service	_____	_____
Non-special education duties	_____	_____
Consultation (Parents and Teachers)	_____	_____
5. Evaluation
 - A. How are you informed of a needed evaluation?
 - B. What information are you given in terms of the scope of evaluation needed?

_____ Referral Form
_____ Interview with referring teacher
_____ Record review
_____ Other, please specify
 - C. How do you determine if nonbiased instruments are needed for a particular child? If you deem nonbiased instruments necessary which ones do you use?
 - D. Typically how long is it from the time you receive a referral until the evaluation is complete?
 - E. How long a waiting list for evaluations do you presently have? Is this typical? If not how so?

Office of Public Instruction
Georgia Rice, Superintendent
State Capitol
Helena, MT 59601

6. Child Study Team Process

A. How do you view your role in the CST process?

B. Do you have suggestions which would improve the process?

7. Definitions

A. What criteria are used locally to determine "significant discrepancy" and "average to near average learning potential" in relation to certifying L.D. handicap?

B. What criteria are used locally to determine if a child is emotionally disturbed?

C. Please comment as to what alterations in the definitions for LD and ED would prove beneficial.

8. Placement

A. Approximately how long a period of time transpired between the date of initial referral and the actual program placement?

RESOURCE UTILIZATION

1. What resources are used by the LEA?

- ☐ Regional Services
- ☐ Mental Health
- ☐ Easter Seal
- ☐ School for the Deaf and Blind
- ☐ County Health Department
- ☐ Local Cooperative
- ☐ Social Rehabilitation Services
- ☐ Office of Public Instruction
- ☐ Center for Handicapped Children

2. How do you use these agencies? How often?

3. Under what conditions are local agencies involved in your Child Study Teams?

- ☐ Routinely
- ☐ Upon parental request
- ☐ Upon local agency request
- ☐ Upon recommendation of CST leader
- ☐ Never
- ☐ Other, please specify

4. If you are not involved presently in a functioning cooperative are you planning to become involved? If so when?

VERIFICATION OF SAMPLE

Initials _____ Birthdate _____

Handicapping Condition _____

Services needed according to CST

- 1.
- 2.
- 3.
- 4.

Services being provided

- 1.
- 2.
- 3.
- 4.

Student's Schedule:

The following interviews are to provide opinions and impressions regarding the implementation of an individual student's IEP.

Comments: personal interview with the student

Comments: interview with the regular class teacher(s)

Comments: interview with the special education teacher(s), and/or support person

How do the written IEP and the actual program compare?

Secondary:

Does there seem to be a realistic balance of basic skill development and survival skill development?

Comment:

Is there vocational training in progress for this student?

Comment:

BUDGET

1. List Special Education personnel.

<u>Budgeted</u>	<u>In Place</u>	<u>Vacant</u>	
_____	_____	_____	Self-Contained Teachers
_____	_____	_____	Aides for Self-Contained Teachers
_____	_____	_____	Resource Room Teachers
_____	_____	_____	Aides for Resource Teachers
_____	_____	_____	Itinerant/Consulting Teachers
_____	_____	_____	Aides for Itinerant/Consulting Teacher
_____	_____	_____	Home-Hospital Teachers
_____	_____	_____	Vocational Education Special Needs Teacher
_____	_____	_____	Work-Study Coordinators
_____	_____	_____	Adaptive P.E. Teachers
_____	_____	_____	Counselors
_____	_____	_____	Special Education Supervisor
_____	_____	_____	Speech Pathologists
_____	_____	_____	Speech Supervisor
_____	_____	_____	Audiologist
_____	_____	_____	Psychologists
_____	_____	_____	School Social Workers
_____	_____	_____	Physical Therapist
_____	_____	_____	Recreation Therapist
_____	_____	_____	Nurses
_____	_____	_____	Other Non-Instructional

2., Child count

<u>Projected</u>	<u>Most Recent Child Count</u>	<u>Actual</u>	<u>Projected</u>	<u>Most Recent Child Count</u>	<u>Actual</u>
		Total Base Population			Ol
		D			OHL
		DB			ED
		HH			SLD
		MR			Sl
		MH			VH

Comment: If discrepancies exist, please note the reason.

3. Are the caseloads consistent with hiring?

A. Resource Room

Total Pupils

- _____ 1.
- _____ 2.
- _____ 3.

B. Self-Contained Room

Total Pupils

- _____ 1.
- _____ 2.
- _____ 3.

C. Supervisor of Special Education

_____ Total personnel supervised

D. Speech Pathologist

Total Caseload

- _____ 1.
- _____ 2.
- _____ 3.

E. Speech Supervisor

_____ Total personnel supervised

F. Psychologist-Total base population served

- _____ 1.
- _____ 2.
- _____ 3.

G. Other

Comment: If caseloads are not consistent with hiring, why?

4. Is there a separate ledger maintained for special education?

Comment: bookkeeping system and procedure

5. Is inservice training for special education fiscal procedures needed?

Comment:

6. Is the budget realistic for this particular program?

ATTACHMENT 3

PARTS B AND D

LEA APPLICATION FORMS

OFFICE OF PUBLIC INSTRUCTION
Georgia Rice, Superintendent
Special Education Unit
Capitol
Helena, MT 59601

FEDERAL ASSISTANCE FOR THE EDUCATION OF HANDICAPPED PERSONS
(UNDER EHA PART B AS AMENDED BY P.L. 94-142)

Application and Report
1977-78

GENERAL INSTRUCTIONS

This application form is designed to be submitted for the following purposes:

- a) PROJECT APPLICATION: Applying for Federal assistance to conduct project activities involving educational and related services for handicapped children;
- b) PROJECT REPORT: Reporting of completed project activities under approval project applications and amendments.

When used as a PROJECT APPLICATION, the application is designed as an official contract or agreement between an applicant LEA and the State education agency. In this agreement the applicant indicates educational needs of eligible handicapped children, sets forth objectives for delivery of needed services, describes specific activities to meet the objectives, and outlines the evaluative measures to be used in determining the success of the proposed activities. By approval of an application, the Office of Public Instruction indicates its endorsement of the project and accepts its responsibility to monitor project activities, insuring that to the greatest extent the intended objectives of the project are met.

When used as a PROJECT REPORT, the application provides statistical and fiscal data pertinent to the completed project, certifying as to its correctness.

USE OF FORM AS A PROJECT APPLICATION

The entire form (PART I through PART III) is to be completed and submitted to the State education agency for review and approval.

USE OF FORM AS A PROJECT REPORT (Evaluation)

Complete all of PART I. Include narrative report of complete objectives and project evaluation.

The PROJECT REPORT of completed project activities is to be forwarded to Office of Public Instruction within 30 days after termination of the project, or in the case of a multiyear project, within 30 days of the termination of the project phase funded from the first fiscal year.

SPECIFIC INSTRUCTIONS

PART I - STATE PROJECT APPROVAL,
STATISTICAL DATA, AND ABSTRACT

ITEMS 1-3: to be completed by Office of Public Instruction.

ITEMS 4-10: to be completed by applicant.

4. PROJECT DIRECTOR

Enter the name and other identifying information of the contact person directly responsible for project services. This person usually is a supervisor, coordinator, principal, head teacher, or Coordinator of Planning, Monitoring and Data Collection. Enter the legal name and complete address of the applicant agency.

5. TITLE OF PROJECT

Enter a brief descriptive title that will be useful in referring to the project. Use abbreviations if necessary.

6. OTHER FUNDING SOURCES

Indicate amounts and sources of other funds used in cooperative with this project. "Local" sources include local tax-based funds; "State" sources include State tax-based funds. If funds are provided from other Federal sources, specify by program title, such as Title IV-C. "Other" sources may be private foundations, or other non-public sources.

7. TYPE OF FORM

Indicate by a check in the appropriate space whether this form is used as a Project Application or Project Report.

8. SIGNATURE OF AUTHORIZED DISTRICT OFFICIAL

An original signature of the authorized educational agency official and date on which signed must appear on each application or report.

9. PROJECT EXPENDITURES

Include the total amount of Federal funds requested for this project. DO NOT INCLUDE funds being utilized or requested which were reported under Item 6. The Grand TOTAL, must equal the total project funds requested and MUST NOT include any other funds reported under Page 1, Item 6.

10. PROJECT PARTICIPANTS

(a) Persons Receiving Services

Enter on Page 4 unduplicated count of persons by type of primary handicap and according to the age groups specified who will receive direct instructional or related services through the expenditures of requested project funds.

(b) Project Personnel Paid from Federal Project Funds

Enter in the appropriate Columns (h), (i), and (j), corresponding with the primary type of handicapped persons served, an unduplicated count of all full or part time personnel to be paid from the Federal project funds. Use whole numbers or decimal; do not use fractions.

Staff members who serve more than one type of handicapped persons, should be reported under each of the various types served by prorating them to coincide, as nearly as possible, with the relative percentages of the persons served. Where a project provides only one staff member the person should be reported under the type of the largest number of handicapped persons served.

(c) Miscellaneous Information

Indicated under Column (p) the number of:

- (1) Persons Age 6 and Over Participating in Preschool Activity in this Project - persons age 6 and over participating in projects who function below the first grade level.
- (2) Students Participating in Voc-Ed Activity in This Project - persons participating in vocational education activities, including those in prevocational and pretechnical vocational instruction.

Vocational instruction involves the preparation of individuals for gainful employment as semiskilled or skilled workers or technicians or semi-professionals in recognized occupations and in new emerging occupations.

Prevocational instruction involves assisting individuals in making informed and meaningful occupational choices.

Pretechnical vocational instruction involves the preparation of individuals for enrollment in advanced or highly skilled vocational and technical education programs.

- (3) Severely Handicapped Persons for Whom Components of this Project were Designed - such persons as those who are deaf-emotionally disturbed, deaf-retarded, and blind retarded, and for who the project contains specific components.
- (4) Persons Enrolled in Nonpublic Schools - persons enrolled in elementary or secondary schools and preschool programs which are controlled by other than a public agency.
- (5) Additional Persons Receiving Other Services - persons not previously reported in the form, receiving only incidental services in the project, include here such persons as those receiving only social work or audiological services, and those receiving services from an instructional materials center, etc., whom as a result of project expenditures, receive a total of less than one full day of direct services during the project.

(6) through (10) Self-explanatory.

PART II

PROJECT STATEMENT OF ASSURANCES: COOPERATIVE AGENCY AGREEMENT

SECTION A - STATEMENT OF ASSURANCES

The authorized representatives of the applicant agency must complete and sign this section as indicated.

SECTION B - COOPERATIVE AGENCY AGREEMENT (to be completed only in Cooperative Agreements)

A cooperative agency project for the purpose of this form, is one which involves two or more agencies utilizing their P.L. 94-142 monies. Agencies which wish to participate in such projects should complete Section B, PART II in brief narrative form in order to designate responsibilities of the cooperating agencies and to certify that an agreement has been reached between the agencies for the final disposition of equipment, facilities, and materials purchased for the project with Federal funds.

ONLY ONE COMPLETE application form need be prepared for a cooperative agency project. The host administrative agency is responsible to perform this function, including the obtaining from each of the cooperating agencies the required signatures and information requested under Section B or PART II.

1. Certification of Host Agency Designated Administrative and Fiscal Agent for the Project. The agency serving as the administrative fiscal agent for the cooperative agency project must sign as the authorized host representative for the cooperative.

NOTE: The applicant agency throughout the preceding Parts and Sections should have reported the combined statistical and fiscal data of all project participants and Federal monies, from all the agencies cooperating on this project.

2. Certification of Cooperating Agencies. Each of the cooperating agencies should sign and complete a certification of cooperation and agreement to the stated responsibilities of each cooperating LEA.

PART III
PROJECT INFORMATION

(To be completed by applicant agent only)

Applicant shall respond in narrative to each of the areas listed below.

1. Children Participation:

- (a) Of the children participating in the project, how many are first priority children? Explain why children to be served by project are first or second priority.
- (b) If there are known first priority children residing in the district who are not participating, explain why they are not included.
- (c) If there are no first priority students in the district, include a statement certifying to this fact.

2. Public Participation:

Include district policy and procedures for making the application and all documents related to the application available to parents and the general public, including all evaluations and reports required under section 121a.111, Public Law 94-142.

3. Goals, Objectives and Activities:

State major project behavioral goals and objectives in specific terms which are attainable and measurable through education activities and services to designated children. Identify each objective and goal as it relates to first or second priority. Find enclosed a project worksheet to be completed for this portion of the narrative, (Pages 8 and 9).

4. Description of Activities to Accomplish Each Objective:

Include staff assignments to accomplish activities, number of children in each activity, school facilities, equipment, and materials to be used, specific resources, methods and procedures to be employed in carrying out activity, and special arrangements for participation of parents and in-service training of staff.

5. Criteria for Evaluation:

Include specific evaluation procedures for each goal and objective, which are appropriate to the services to be provided and consistent with this objective. (Describe the pre, during, and post evaluation methods and instruments to be used, and identify the personnel and other resources to be employed in the evaluation of your project.)

6. Justification:

Give justification for project. Please be specific. (See p. 9 of application form)

7. Participation of Non-Public School Handicapped Children:

Describe the provision made for the participation of handicapped children enrolled in private and non-public schools, preschool through secondary in this project. Were representatives of non-public schools invited to participate in the planning of this project?

8. Relationship of Project to School District Narrative Report:

Did your school district and cooperative districts (if applicable) submit a Narrative Report of policies and procedures for Special Education Services as required by P.L. 94-142? If no, please elaborate.

Please describe relationship of this application and your district's Narrative Report, i.e., Full Services, Goal, Child Find, Priorities, Confidentiality, etc.

Enclosures APPENDIX A

See enclosed check list for your reference to be used by Office of Public Instruction, Special Education staff to evaluate all LEA Part B applications.

EVALUATORS FORM
(OPI USE ONLY)

YES

NO

- . Does the proposal address one of the State Plan priorities?
- . Does the proposal show a need for the project activities based on documentation?
- . Are the components, goals and objectives of the proposal measurable?
- . Can the objectives be met through the activities that are proposed?
- . Is the proposed program evaluation adequate?
- . Are the personnel providing the services appropriate?
- . Is the proposed budget reasonable in terms of children served?
- . Are the proposed time lines adequate?
- . Does the proposal show evidence of intra-staff and inter-agency cooperation?
- . Does the proposal show evidence of inclusion of K-12 regular educators?
- . Does the proposal reflect that services available to children to implement the skills gained through the project are appropriate?
- . Does the proposal show wide-spread dissemination of information?
- . Does the proposal reflect follow-up procedures?
- . Is the proposal consistent with the LEA Narrative Reports for full services goals?
- . Are services to be provided in the least restricted environment?
- . Is the proposal centered on children and services, rather than personnel, equipment and materials?

[illegible]

EVALUATORS FORM
(OPI USE ONLY)

YES

NO

17. Can the children in need of service in the proposal be served reasonably in an existing school program?
18. Is the proposed budget reasonable in terms of the number of children to be served?
19. How does the district plan to finance the program in the future?
20. Does the proposal show evidence of consideration being given to the eight dimensions of a Basic Quality Education Program in a realistic fashion?
21. Overall evaluation of Project

YES				NO			
R1	R2	R3	R4	R1	R2	R3	R4

COMMENTS:

OFFICE OF PUBLIC INSTRUCTION

Georgia Rice, Superintendent
Special Education Unit
Capitol
Helena, MT 59601
(under EHA Part B, as amended by P.L. 94-142)

Application: Return the ORIGINAL copy to the STATE address indicated.
Report: Return ONE copy within 30 days of the termination of the project to the STATE address indicated.

PART I PROJECT APPROVAL, STATISTICAL DATA AND ABSTRACT

1. STATE EDUCATIONAL AGENCY ACTION (To be completed by OPI)				Allocated from Federal FY (E)		Date received:
State Project Number (B)				(D)		Date approved:
(a) Month Day Year (b) TO				\$ 19		
2. PROJECT DURATION FROM				4. PROJECT DIRECTOR		
				(a) NAME OF DIRECTOR (Last, first, middle initial)		
3. LEGISLATIVE FUNDING AUTHORITY				(b) NAME OF SCHOOL DISTRICT		
(a) P.L. 93-380 Carryover				(c) NUMBER AND STREET		
(b) P.L. 94-142 Flowthrough				(d) CITY (e) STATE (f) ZIP CODE		
(c) P.L. 94-142 State Initiated Project				(g) COUNTY		
(d) Preschool Incentive Grant				TELEPHONE (h) AREA CODE (i) NUMBER (j) EXT.		
(e) Non-public Schools						
5. TITLE OF PROJECT		6. OTHER FUNDING SOURCES		7. TYPE OF FORM CHECK 1		
(a) Local		(a) Local		(a) Application		
(b) State		(b) State		(b) Final Report		
(c) Other Federal title (specify)		(c) Other Federal title (specify)				
(1)		(1)				
(2)		(2)				
(3)		(3)				
(d) Other		(d) Other				
(e) TOTAL		(e) TOTAL				
8. SIGNATURE OF AUTHORIZED SCHOOL DISTRICT OR INSTITUTION OFFICIAL		(b) DATE				

School Dist. No.	County	City	ZIP Code	School	Elem H.S.	YEAR TO DATE			Budget requested Budget approved
						Expenditure	Budget	Variance	
CURRENT MONTH		Budget Series (01-01)	BUDGET CLASSIFICATIONS						
Expenditure	Budget	Variance	0111	ADMINISTRATION					
			0113	Salaries, Professional					
			0150	Salaries, Clerical					
				Supplies, Administrative					
			0211	SUPERVISION AND INSTRUCTION					
				Salaries, Principals					
			0212	Salaries, Teachers (Tutorial Time)					
			9213	Salaries, Clerical					
			0214	Salaries, Aids					
			0215	Salaries, Spec. Ed. Teachers					
				Clinicians, and Supervisors					
			0218	Travel, Mileage					
			0232	Supplies, Instructional, Shared					
			0233	Supplies, Instructional, Spec. Ed.					
			0241	Textbooks					
			0250	Other Expenses					
			0280	Contracted Services					
			0310	LIBRARY SERVICES					
				Salaries					
			0342	Books and Periodicals					
			0350	Other Expenses					
			0411	SUPPORTIVE SERVICES					
				Salaries, Professional					
			0413	Salaries, Clerical					
			0418	Travel, Mileage					
			0450	Other Expenses					
			0555	TRANSPORTATION					
				Room and Board					
			0600	OPERATION OF PLANT					
				Operation					
			0700	MAINTENANCE OF PLANT					
				Maintenance					
			0800	SCHOOL FOOD SERVICES					
				School Food					

CURRENT MONTH			Budget Series (01-01)	BUDGET CLASSIFICATIONS	YEAR TO DATE			
Expenditure	Budget	Variance			Expenditure	Budget	Variance	Budget Balance
			0900	STUDENT BODY AND AUXILIARY SERVICES Salaries and Other Expenses				
			1021	OTHER CURRENT CHARGES Social Security				
			1022	Teacher Retirement Service				
			1023	Public Employees Retirement System				
			1024	Unemployment Compensation				
			1056	Rental of Land and Buildings				
			1057	Insurance				
			1059	Other Expenses				
			1072	Interest on Warrants				
			1161	CAPITAL OUTLAY Sites, Shared				
			1162	Buildings, Shared				
			1163	Remodeling and Improvements, General				
			1164	Equipment, Spec. Ed., Major				
			1165	Other expenses, including remodeling for phy, handicapped				
				Amount requested SUBTOTAL				
				TOTAL				

10. PROJECT PARTICIPANTS

A. PERSONS RECEIVING SERVICES										B. PROJECT PERSONNEL PAID FROM FEDERAL PROJECT FUNDS				
TYPE OF PERSONS SERVED	NUMBER OF PERSONS SERVED						TOTAL (g)	TEACHERS (h)	NUMBER OF PERSONNEL PAID		TOTAL PERS. (k)			
	0-2 YEARS (a)	3-5 YEARS (b)	6-12 YEARS (c)	13-18 YEARS (d)	19-21 (e)	22-25 (f)			TEACHERS AIDES (i)	OTHER PERS. (j)				
(1) Severely Multiply Impaired														
(2) Severely Mentally Impaired														
(3) Trainable Mentally Impaired														
(4) Educable Mentally Impaired														
(5) Learning Disabled														
(6) Emotionally Impaired														
(7) Physically or Otherwise Health Impaired														
(8) Visually Impaired														
(9) Deaf-blind														
(10)Hearing Impaired														
(11)Speech and Language Impaired														
(12) TOTAL														

C. MISCELLANEOUS INFORMATION

(1) Persons age 6 and over participating in preschool activity in this project	(6) Number of American Indian persons involved in this project
(2) Student participating in voc-ed activity in this project	(7) Number of Black persons involved in this project
(3) Severely handicapped persons for whom components of this project were designed	(8) Number of Oriental persons involved in this project

SECTION A. Statement of Assurances

THE APPLICANT HEREBY ASSURES THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION THAT:

1. The applicant has the necessary legal authority to apply for and receive the proposed grant.
2. The activities and services for which assistance is sought under this Title will be administered by or under the supervision of the applicant.
3. In planning for this proposal a goal has been established of providing full educational opportunities to all handicapped children, that funds requested are to be used to accomplish such goals and that priority in the utilization of funds will be given to handicapped children who are not currently receiving an education.
4. Procedures are instituted to insure that, to the maximum extent appropriate handicapped children are educated in the least restrictive manner and are educated with children who are not handicapped.
5. Procedures are instituted to insure that testing materials and procedures used for classification and placement of handicapped children will be selected and administered so as not to be racially or culturally discriminatory.
6. In planning for this proposal the appropriate child study team has been involved in the child/children's comprehensive educational and behavioral assessment, has assisted in the development of the program as outlined in this proposal and has assisted in the development of specific objectives for the child/children to be served with EHA-B monies.
7. The applicant will comply with Title VI of the Civil Rights Act of 1964 (Public Law 88-352) and Title IX, Education Amendments of 1972 (Public Law 92-318) and Sec 503-4, Vocational Rehabilitation Act of 1973 and all requirements imposed by or pursuant to the Regulations of the Department of Health, Education and Welfare (45 CFR Part 80) issued pursuant to these titles, to the end that no person in the United States shall, on the grounds of race, color, national origin, sex or developmental disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under activity for which the applicant receives Federal financial assistance from the Department. (The assurance of compliance (HEW 441), or court order or desegregation plan previously filed with the U.S. Office of Education in accordance with the Department of Health, Education, and Welfare Regulations applies to this application).
8. The project will be operated in compliance with EHA-B and with Regulations and other policies and administrative issuances by the Superintendent of Public Instruction, including submission of such reports as may be required.
9. The filing of this application has been authorized by the governing body of the applicant, and the undersigned representative has been duly authorized to file this application for and in behalf of said applicant in connection with this application.
10. All equipment acquired under EHA-B will be used for the purposes specified in the approved project proposal, and such equipment will be subject to the administrative control of the recipient local educational agency unless otherwise specified.
11. The applicant agrees to have the proposal reviewed by the Special Education Regional Council prior to the submission to the Office of the Superintendent of Public Instruction. The Regional Council must provide recommendations for funding to the Office of the Superintendent of Public Instruction.
12. The applicant agrees to comply with the provisions of the Montana School Law and Special Education Rules and Regulations as related to handicapped education.

Date

Board Chairman

Date

Signature of Authorized Representative

Name of Agency

Position

Section B - Cooperative Agency Agreement
(See instructions Part II, Section B, p. 5)

Address designated responsibilities of cooperating agencies. Also, please address distribution of funds, equipment, facilities and materials to be used in project agreed statements by all concerned LEAs.

1. Certification of Host Agency

I, the undersigned authorized official of _____, hereby submit the attached local educational agency application under Part B of the Education of the Handicapped Act, as amended by Public Law 94-142. This application will constitute the basis for operation and administration of the activities to be carried out in the cooperative agreement established among the listed Local Education Agencies.

List cooperating school district.

Host Administrator and Fiscal
Agent for Cooperative

Date

2. Certification of Cooperating Agencies

Authorized Official in
Participating District

Date

Authorized Official in
Participating District

Date

Authorized Official in
Participating District

Date

Authorized Official in
Participating District

Date

PROJECT WORKSHEET ABSTRACT

PART III.3.

Name of Educational Agency: _____

Name of Contact Person: _____

Project Title: _____

Abstract (briefly give an overview of the project according to the following):

Component Title and Location	Major Goals	Objective for each goal	Activities for each objective

B. Abstract (continued)

Name of Educational Agency: _____

Abstract:

Component Number	Evaluation	Personnel, Role and Approval Area	Approximate Cost
			salaries: \$ benefits: \$ travel: \$ other: \$ equipment: \$ supplies: \$ TOTAL \$

PART III.y. Justification: Constraints on Use of Funds

The following rules apply to the purposes for which Education for the Handicapped Act, Part B funds may be used:

A. Priorities - Funds shall be used in the following order of priorities:

1. First - To provide free appropriate public education (direct instructional services) to resident children, not in school, ages 6 through 18 who are handicapped and in need of special education services, regardless of the severity of handicap.
2. Second - To provide free appropriate public education (direct instructional services) to resident children, enrolled in school, ages 6 through 18 who are handicapped and in need of special education but who are receiving some special education but which is not full and/or appropriate according to their Individualized Education Program.
3. Third - To provide free appropriate public education to first and/or second priority children in the age groups 3-5 and/or 18-21.

If your district has met the requirements for first and second priority children, indicate whether or not the following assurances are provided by checking the appropriate box below:

1. All out-of-school and in-school handicapped children, ages 6 through 18 have a free appropriate public education available to them;
2. That the school district has a system for the identification, location, and evaluation of handicapped children which follows the regulations of the Office of Public Instruction as found in Montana Rules and Regulations.
3. That whenever a first or second priority child is identified, located, and evaluated, the school district makes available a free appropriate public education to the child.

☐

YES

☐

NO

*Note: Only after all first and second priority children on waiting lists are served may a school district use funds on next priority.

State of Montana Office of Public Instruction Georgia Rice, Superintendent Helena, MT 59601	EHA-Part B Nonpublic School Letter For 1978-79
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One original of this form, completed and signed by the Responsible Authority representing the nonpublic school(s) listed in item D below, must accompany a public school's application for EHA-B funds and any subsequent amendments thereto.

A. As the responsible authority for the nonpublic school(s) listed in item D below, I hereby give assurance to the Superintendent of Public Instruction that I was informed that school district No. _____

School Name _____ County _____

was filing an application for EHA-Part B funds and that the school(s) listed below was/were given the opportunity of participating in the program.

B. The nonpublic school(s) listed below: (check one)

1. _____ Decided to participate
2. _____ Decided not to participate

C. Having decided to participate in the project, I certify that the needs of handicapped children enrolled in the nonpublic schools, the number of such children who will participate in the program and the types of special educational services to be provided for them were determined in consultation with persons knowledgeable of the needs and on the same basis comparable to that used in providing for the participation in the program by handicapped children enrolled in public schools.

The following instructional activities will be provided nonpublic school participants. (Appropriate reference may be made to Part III. 3. of application):

(Use the reverse side and additional pages, if necessary)

D. List the names and addresses of the nonpublic schools and authorized signatures.

Name and address _____ Authorized Signature _____

Name and address _____ Authorized Signature _____

Name and address _____ Authorized Signature _____

Name and address _____ Authorized Signature _____



OFFICE OF PUBLIC INSTRUCTION

STATE CAPITOL
HELENA, MONTANA 59601
(406) 449-3095

Georgia Rice
Superintendent

Dear

Your request for funds to establish a Special Study Institute, _____, has been approved in the amount of _____. The proposal will be funded with EHA Part D funds as project _____. Please include this project number on any correspondence you submit to our office concerning this project.

Within two weeks your County Treasurer will be receiving a claim in the amount of _____ and will deposit it into Miscellaneous Federal Fund VIII. You will receive notification when the claim arrives. If after you have paid all your budgeted expenses you have a remaining balance, please return the unexpended amount to our office within thirty (30) days of the completion of the Special Study Institute.

Upon completion of the Special Study Institute, please submit to our office an itemized final expenditure report. Also include a final narrative report. The final narrative should be a brief, concise summary of the Special Study Institute and an evaluation statement which describes your success in meeting your goals and objectives. Please include a list of all participants with their present job title.

Thank you for your initiative and hard work in providing inservice training opportunities to personnel serving handicapped individuals in Montana. If you have any questions regarding your Special Study Institute, please contact me.

Sincerely,

RON W. LUKENBILL
Manager
Inservice Training
Special Education Unit

cc:

State of Montana Office of Public Instruction Georgia Rice, Superintendent Helena, 59601	PROPOSAL FOR EHA PART D FUNDS - IN-SERVICE TRAINING	Project Number (State use only)
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Directions:

1. This proposal should be developed by the administrative and instructional staffs of your district and should relate to your program narrative and Montana's EHA-Part D State Plan.
2. Submit the original and one copy to the Manager, Division of In-Service Training and Personnel Development, Special Education Unit, Office of Public Instruction, Helena 59601

District #	Elementary High School Other	County	City	ZIP Code	School
------------	------------------------------------	--------	------	----------	--------

PROJECT TITLE:

APPLICANT ORGANIZATION:

SUBMITTED BY:

TELEPHONE NUMBER:

PROJECT DIRECTOR:
(Contact Person)

FEDERAL FUNDS REQUESTED:

\$

DURATION:

 TO

(Proposed beginning and ending dates.)

EVALUATORS FORM
(OPI USE ONLY)

YES

- NO

[illegible][illegible]

1. Does the proposal address one of the State Plan priorities?
2. Does the proposal show a need for the project activities based on documentation?
3. Are the objectives of the proposal measurable?
4. Can the objectives be met through the activities that are proposed?
5. Is the proposed program evaluation adequate?
6. Are the consultants providing the training appropriate?
7. Is the proposed budget reasonable in terms of staff members trained?
8. Are the proposed time lines adequate?
9. Does the proposal show evidence of intra-staff and inter-agency cooperation?
10. Does the proposal show evidence of inclusion of K-12 regular educators?
11. Does the proposal reflect that technical assistance available to the participants to implement the skills gained through the training?
12. Does the proposal show wide-spread dissemination of information both pre-workshop and post-workshop?
13. Does the proposal reflect follow-up training or technical assistance?

PROPOSAL: (Use the following outline in writing a narrative to communicate the purpose and description of the in-service project.)

A. Title Page

Project Title: (The title should be concise, descriptive and as specific as possible.)

Applicant Organization: (Name and mailing address of applicant agency or organization.)

Submitted by: (Name and position of the authorized official submitting application. If the application is submitted jointly by two or more agencies, authorization by each agency is required.)

Telephone Number: (Telephone number of official submitting the application.)

Project Director:
(Contact Person) (Name, position, telephone number and mailing address of the project director, if different from those submitting the application: i.e. Federal Project Director, school clerk - contact person.)

Federal Funds Requested: \$ _____

Duration _____ to _____
(Proposed beginning and ending dates.)

B. Program Description: The proposal should contain the following information:

1. How the project addresses the state plan priorities
2. Basis for the proposed activities: e.g. needs assessment
3. Measurable objectives for the proposal
4. Activities to meet the objectives (Attach an agenda)
5. Program evaluation criteria
6. Names and resumes of technical assistants
7. Budget sheet and itemized breakdown of total expenditures
8. Time lines
9. Intra-staff and inter-agency coordination
10. Number of personnel involved by position (Fill out attached INSERVICE TRAINING FORM)
11. Follow-up training and/or technical assistance available to the participants
12. Dissemination of information including announcements of inservice, to whom and postworkshop information

[illegible]

14. Statement of Assurances:

THE APPLICANT HEREBY ASSURES THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION THAT:

1. The applicant has the necessary legal authority to apply for and receive the proposed grant.
2. The activities and services for which assistance is sought under this Title will be administered by or under the supervision of the applicant.
3. In planning for this proposal a goal has been established of providing full educational opportunities to all handicapped children, that funds requested are to be used to accomplish such goals and that priority in the utilization of funds will be given to handicapped children who are not currently receiving an education.
4. Procedures are instituted to insure that, to the maximum extent appropriate handicapped children are educated in the least restrictive manner and are educated with children who are not handicapped.
5. Procedures are instituted to insure that testing materials and procedures used for classification and placement of handicapped children will be selected and administered so as not to be racially or culturally discriminatory.
6. In planning for this proposal the appropriate child study team has been involved in the child/children's comprehensive educational and behavioral assessment, has assisted in the development of the program as outlined in this proposal and has assisted in the development of specific objectives for the child/children to be served with EHA-B monies.
7. The applicant will comply with Title VI of the Civil Rights Act of 1964 (Public Law 88-352) and Title IX, Education Amendments of 1972 (Public Law 92-318) and Sec 503-4, Vocational Rehabilitation Act of 1973 and all requirements imposed by or pursuant to the Regulations of the Department of Health, Education and Welfare (45 CFR Part 80) issued pursuant to these titles, to the end that no person in the United States shall, on the grounds of race, color, national origin, sex or developmental disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under activity for which the applicant receives Federal financial assistance from the Department. (The assurance of compliance (HEW 441), or court order or desegregation plan previously filed with the U.S. Office of Education in accordance with the Department of Health, Education, and Welfare Regulations applies to this application).
8. The project will be operated in compliance with EHA-b and with Regulations and other policies and administrative issuances by the Superintendent of Public Instruction, including submission of such reports as may be required.
9. The filing of this application has been authorized by the governing body of the applicant, and the undersigned representative has been duly authorized to file this application for and in behalf of said applicant in connection with this application.
10. All equipment acquired under EHA-B will be used for the purposes specified in the approved project proposal, and such equipment will be subject to the administrative control of the recipient local educational agency unless otherwise specified.
11. The applicant agrees to have the proposal reviewed by the Special Education Regional Council prior to the submission to the Office of the Superintendent of Public Instruction. The Regional Council must provide recommendations for funding to the Office of the Superintendent of Public Instruction.
12. The applicant agrees to comply with the provisions of the Montana School Law and Special Education Rules and Regulations as related to handicapped education.

Date

Board Chairman

Date

Signature of Authorized Representative

Name of Agency

Position

ATTACHMENT 4

DUE PROCESS HEARINGS



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF EDUCATION
WASHINGTON, D. C. 20202

February 15, 1978

Ms. Georgia Rice, Supt. of Public Instruction
Department of Public Instruction
Capitol Station
Helina, Montana 59601

Dear Superintendent Rice:

On February 8, 1978, we met with members of your staff to discuss the concerns relating to your State's procedural safeguard provisions in the 1978 Annual Program Plan. Our discussion on that date resolved that the County Superintendents in your State will serve as hearing officers and meet the requirements of the Part B regulations at 121a.507 which states:

Impartial hearing officer:

(a) A hearing may not be conducted:

- (1) By a person who is an employee of a public agency which is involved in the education or care of the child, or
- (2) By any person having a personal or professional interest which would conflict with his or her objectivity in the hearing.

(b) A person who otherwise qualifies to conduct a hearing under paragraph (a) of this section is not an employee of the agency solely because he or she is paid by the agency to serve as a hearing officer.

(c) Each public agency shall keep a list of the persons who serve as hearing officers. The list must include a statement of the qualifications of each of those persons.

Your present regulations require a local board of trustees to act as the hearing officer in due process hearings. This current provision is in conflict with the requirements of the Part B Regulations of EHA (94-142) and therefore must be corrected to secure approval of the 1978 Annual Program Plan.

-2-

We urge your immediate attention to this necessary modification to insure further funding under Part B EHA (94-142).

Sincerely,

Richard Champion
WET

Richard Champion
State Plan Officer

cc: Macon Richardson
Shirley Miller
William D. Tyrrell
Susan Steward

BEFORE THE SUPERINTENDENT OF PUBLIC
INSTRUCTION OF THE STATE OF MONTANA

In the matter of the adoption of rules on hearing procedures and appellate procedures for special education controversies.) NOTICE OF THE ADOPTION OF
) RULES 48-2.18(42)-P18750,
) 48-2.18(42)-P18760, AND
) 48-2.18(42)-P18770 CON-
) CERNING HEARING PROCEDURES
) AND APPELLATE PROCEDURES
) FOR SPECIAL EDUCATION
) CONTROVERSIES.

TO: All Interested Persons:

1. On May 25, 1978, the Office of Public Instruction published notice of a public hearing on June 14, 1978, in the conference room at 1300 Eleventh Avenue, Helena, Montana, on a proposed adoption of Rules 48-2.18(42)-P18750, 48-2.18(42)-P18760, and 48-2.18(42)-P18770 concerning hearing procedures and appellate procedures for special education controversies at pages 709-715 of the 1978 Montana Administrative Register, Issue No. 5.

2. The Office of Public Instruction has adopted the Rules with the following changes:

48-2.18(42)-P18750 HEARING. (1) Scope. A parent, guardian or board of trustees may initiate a hearing:

(a) On a refusal of a parent or guardian to consent to a preplacement evaluation by the school district which is providing educational services to the child or by the school district in which the child's parent or guardian resides;

(b) On a controversy about the initial placement of a handicapped child in a program providing special education and related services;

(c) On a proposal or a refusal to initiate or change the identification, evaluation, or educational placement of a handicapped child;

(d) On a proposal or refusal to initiate or change the provision of a free appropriate public education to a handicapped child; or

(e) On a written request for an extension of a temporary placement of a handicapped child.

(2) Requests for Hearing. A parent, guardian, the board of trustees of the district in which a child's parent or guardian resides, or the board of trustees providing educational services to the child may initiate a hearing by filing a written request for a hearing, together with a statement of the reasons therefor and the names and addresses of the parties, with the ~~county-superintendent-of-schools-of~~ the-county-in-which chairman of the board of trustees of the school district in which the handicapped child's parent or

guardian resides.

(3) Notification of Access to Information and Assistance. (a) Upon receipt of a request for a hearing the county-superintendent chairman of the board of trustees shall notify the parent or guardian in writing:

(i) That the parent, guardian or his a representative designated in writing shall have access to school reports, files and records pertaining to the child and shall be given copies at the actual cost of copying;

(ii) Of any free or low-cost legal and other relevant services available in the area.

(b) Upon request, a parent or guardian shall be informed by the county superintendent and the school districts of any free or low-cost legal and other relevant services available in the area.

(4) Conference and Informal Disposition. Upon receipt of a request for hearing, the county-superintendent chairman of the board of trustees shall direct the appropriate special education personnel to schedule a conference with the parent or guardian within 3 days for the purpose of settling the controversy without hearing.

(5) Notice of Hearing. (a) If the parent or guardian cannot attend a conference within the 3 days or the controversy is not settled, the county-superintendent chairman of the board of trustees shall schedule a hearing at a time and place which is reasonably convenient to the parent or guardian and child. ~~in no event shall the hearing take place later than 30 days after receipt of the request for hearing.~~

(b) Written notice of the date, time and place shall be sent to all parties by certified mail or shall be personally served. Notice to the parent or guardian shall be written in language understandable to the general public and in the native language of the parent or guardian or other mode of communication used by the parent or guardian, unless it is clearly not feasible to do so. If the native language or other mode of communication is not a written language, the county-superintendent chairman of the board of trustees shall direct the notice to be translated orally or by other means to the parent or guardian in his native language or other means of communication.

~~(6) Witnesses--At the request of the parent, the board of trustees of any district which is a party to the hearing shall require the attendance at the hearing of any officer or employee of the district who may have evidence or testimony relevant to the needs, abilities, proposed programs or status of the child.~~

(6) Witnesses. Neither the trustees nor any employee of a school district shall prevent or attempt to prevent any employee of the district from attending the hearing and giving evidence and testimony relevant to the issues. Neither the trustees nor any employee of a school district shall take any action against an employee for appearing and giving evidence and testimony.

(7) Evidence. Evidence which a party intends to introduce at the hearing must be disclosed to the other parties at least 5 days before the hearing.

(8) Conduct of Hearing. (a) At the hearing, an ~~impartial-hearing-officer-shall-hear-witnesses-and-take~~ evidence witnesses shall be heard and evidence taken according to the provisions of this rule and according to the common law and statutory rules of evidence which are not in conflict with the provisions of this rule.

(i) ~~Objections to offers of evidence may be made and the-hearing-officer-will-note-them~~ will be ruled on and noted in the record.

(ii) To expedite the hearing, if the interests of the parties are not prejudiced, any part of the evidence may be received in written form.

(iii) ~~The-hearing-officer-may-take-notice~~ Notice of judicially cognizable facts may be taken. Parties shall be notified of materials noticed and shall be given an opportunity to contest materials noticed.

(iv) Where the original of documentary evidence is not readily available the best evidence rule is hereby modified to allow copies of excerpts.

(v) All testimony shall be given under oath or affirmation.

(vi) Special education controversy hearings will be conducted in accordance with the provisions of the Montana Administrative Procedure Act and the rules promulgated pursuant thereto for the conduct of hearing contested cases which are not in conflict with the provisions of this rule.

(b) Any party to a hearing has the right to:

(i) Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of handicapped children;

(ii) Present evidence and confront, cross-examine, and compel the attendance of witnesses;

(iii) Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least 5 days before the hearing;

(iv) Obtain a written or electronic verbatim record of the hearing;

(v) Obtain written findings of fact and decision.

(c) The parent or guardian shall have the right to

have the child who is the subject of the hearing present.

(d) The hearing shall be closed to the public unless the parent or guardian requests an open hearing.

(e) A written or electronic verbatim record of the hearing shall be made.

(f) When necessary, interpreters in the native language or other mode of communication of a parent or guardian shall be provided throughout the hearing at public expense.

~~(g) The burden of proof shall be upon the board of trustees proposing or refusing a course of action. In the case of a placement question, the personnel must demonstrate why placement is being recommended or denied and why less restrictive placement alternatives would not adequately and appropriately serve the child's educational needs.~~

(g) The party holding the affirmative of the issue must produce the evidence to prove it; therefore, the burden of proof lies on the party who would be defeated if no evidence were given on either side.

(h) The expense of the hearing shall be borne in the same manner as the expense of a hearing is borne in other school controversies.

(i) If the county superintendent is disqualified from presiding over the hearing, the hearing officer will submit proposed findings of fact, conclusions of law, decision and notice of opportunity for administrative appeal in accordance with the provisions of section 82-4212, R.C.M. '947 and the rules promulgated pursuant thereto.

(9) Timeliness. Not later than 45 days after the request for hearing is filed, ~~with the county superintendent,~~ plus specific time extensions granted at the request of a party, and any delays attributable to the parties, the ~~hearing officer~~ county superintendent shall:

(a) Reach a final decision in the hearing which is written in language understandable to the general public; and

(b) Insure that a copy of the findings of fact, conclusions of law, decision and notice of opportunity for administrative appeal is sent by certified mail to or is personally served on each party. ~~and the county superintendent~~ The parent or guardian shall receive a copy of the decision in the native language of the parent or guardian or other mode of communication used by the parent or guardian unless it is clearly not feasible to do so. If the native language or other mode of communication is not a written language, the hearing officer shall direct the decision to be translated orally to the parent or guardian in his native language or other means of communication.

(c) Delays attributable to the parties include time during which the parties are submitting proposed findings of fact, conclusions of law and decisions and while the

parties are reviewing and making exceptions to the hearing officer's proposed findings, conclusions and decision.

(10) Placement. The child shall remain in his current educational placement until the ~~hearing-officer~~ county superintendent enters a decision following the hearing, except in an emergency situation when the health and safety of the child or other children would be endangered or when the child's presence substantially disrupts the educational programs for other children as provided in Rule 48-2.18(14)-S18120(1)(c)(vi).

(11) Appeal to the Superintendent of Public Instruction. (a) The decision of the ~~hearing-officer~~ county superintendent is final unless a party to the hearing appeals, to the Superintendent of Public Instruction.

(b) Within 15 days after receipt of the findings of fact, conclusions of law, decision, and notice of opportunity for administrative appeal, a party may appeal the decision of the ~~hearing-officer~~ county superintendent to the Superintendent of Public Instruction by filing a notice of appeal with the county superintendent. The party appealing shall mail a copy of the notice of appeal to all other parties and the Superintendent of Public Instruction.

(c) The notice of appeal shall state include:

(i) The name of the party appealing;

(ii) The name(s) and address(es) of the other parties to the hearing;

~~(iii) A copy of the findings of fact, conclusions of law and decision being appealed;~~

~~(iv) (i) A brief statement of the reasons for the appeal; and~~

~~(iv) (iv) The signature and address of the party appealing or representatives.~~

(d) Upon receipt of the notice of appeal, the county superintendent will cause the record to be compiled and forwarded to the Superintendent of Public Instruction within 40 days. The record shall contain:

(i) A verbatim, typewritten record of the hearing;

(ii) All exhibits offered into evidence;

(iii) Proposed findings of fact, conclusions of law, and decision;

(iv) Findings of fact, conclusions of law, decision, and notice of opportunity for administrative appeal;

(v) Notice of appeal; and

(vi) All other notices, motions, memoranda and orders.

(History: Sec. 75-7802, R.C.M. 1947; IMP Sec. 75-7802, R.C.M. 1947.)

48-2.18(42)-P18760. ADMINISTRATIVE APPEAL. (1) Scope. An impartial hearing officer shall conduct an impartial review of hearings on appeal from decision in special

education controversies heard pursuant to the provisions of Rule 48-2.18(42)-P18750.

(2) Impartial Review. The hearing officer conducting the review of the hearing shall:

- (a) Examine the entire hearing record;
- (b) Insure that the procedures at the hearing were consistent with the requirements of due process;
- (c) Seek additional evidence if necessary, and if by hearing, the hearing shall be conducted in accordance with Rule 48-2.18(42)-P18750(6), (7) and (8)(a)-(h), at a time and place which is reasonably convenient to the parent or guardian and child and the trustees;
- (d) Afford the parties an opportunity for oral or written argument, or both, at the discretion of the hearing officer; and

(e) On completion of the review, ~~make an independent decision written in language understandable to the general public and in the native language of the parent or other mode of communication used by the parent unless it is clearly not feasible to do so, and~~ submit a proposed decision to the Superintendent of Public Instruction in accordance with the provisions of section 82-4212, R.C.M. 1947, and the rules promulgated pursuant thereto.

~~(f) Not later than 30 days after the Superintendent of Public Instruction receives the notice of appeal, plus specific time extensions granted at the request of a party, a copy of the decision is sent by certified mail to each party and the county superintendent. If the native language or other mode of communication is not a written language, the hearing officer shall direct the notice to be translated orally or by other means to the parent in his native language or other means of communication.~~

(3) Timeliness. Not later than 30 days after the Superintendent of Public Instruction receives the notice of appeal, plus specific time extensions granted at the request of a party and delays attributable to the parties,

(a) The Superintendent of Public Instruction shall make a decision written in language understandable to the general public and in the native language of the parent or guardian or other mode of communication used by the parent or guardian, unless it is clearly not feasible to do so, whereupon the decision will be translated orally to the parent or guardian in his native language or other means of communication; and

(b) Personally serve or mail a copy of the decision on the parties and the county superintendent. Delays attributable to the parties includes the time for compiling and forwarding the record and the time during which the provisions of rule 48-2.18(42)-P18760(2)(c) and (d) are in

effect and while the parties are reviewing and making exceptions to the hearing officer's proposed decision.

~~(3)~~ (4) Court Action. The decision of the hearing officer is final unless a party seeks judicial review pursuant to section 82-4216, R.C.M. 1947 or brings a civil action pursuant to 20 U.S.C. 1415.

~~(4)~~ (5) Placement. The child shall remain in his current educational placement until the hearing officer enters a decision, except in an emergency situation when the health and safety of the child or other children would be endangered or when the child's presence substantially disrupts the educational programs for other children as provided in Rule 48-2.18(14)-S18120(1)(c)(vi). (History: Section 75-7802, R.C.M. 1947; IMP Sec. 75-7802, R.C.M. 1947.)

48-2.18(42)-P18770. IMPARTIAL HEARING OFFICER. (1) Lists. Each county superintendent and the Superintendent of Public Instruction shall keep a list of persons who serve as hearing officers. The list must include a statement of qualifications of each person to hear and decide special education controversies.

~~(2)-Selection-for-a-Hearing.--(a)--Upon-filing-of-the request-for-a-hearing-the-county-superintendent-shall-mail to-each-party-a-list-of-5-or-more-proposed-hearing-officers together-with-their-qualifications-~~

~~(b)--A-party-shall-have-7-days-to-study-the-list-cross off-any-names-objected-to-number-the-remaining-names-in order-of-preference-and-return-the-list-to-the-county superintendent--Requests-for-more-information-about-proposed-hearing-officers-must-be-directed-to-the-county-superintendent--As-few-names-as-possible-should-be-crossed-off-~~

~~(c)--If-despite-all-efforts-to-arrive-at-a-mutual choice-the-parties-cannot-agree-upon-a-hearing-officer-the-county-superintendent-will-make-an-appointment-but-in no-case-will-a-hearing-officer-whose-name-was-crossed-out by-any-party-be-so-appointed-~~

(2) Selection for a Hearing. The county superintendent shall preside over the hearing, unless disqualified on the grounds set forth in subsection (5). If grounds for disqualification exist the county superintendent shall appoint a hearing officer after following the procedures in subsections (3) and (4).

(3) Selection for Administrative Appeal. (a) Upon receiving a copy of the notice of appeal the Superintendent of Public Instruction shall mail to each party a list of 5 or more proposed hearing officers together with their qualifications.

(b) A party shall have 7 days to study the list, cross off any names objected to, number the remaining names in order of preference, and return the list to the Superintendent of Public Instruction. Requests for more information about proposed hearing officers must be directed to the Superintendent of Public Instruction. As few names as possible should be crossed off.

(c) If, despite all efforts to arrive at a mutually agreeable choice, the parties cannot agree upon a hearing officer, the Superintendent of Public Instruction will make an appointment, but in no case will a hearing officer whose name was crossed out by any party be so appointed.

(4) Notwithstanding the foregoing provisions, the parties can mutually select the hearing officer.

(5) (a) A hearing may not be conducted or reviewed by a person who is an employee of a school district or other public agency which is involved in the education or care of the child, or who has a personal or professional interest or reason which would conflict with his or her objectivity in the conduct or review of the hearing.

(b) A person who otherwise qualifies to conduct or review a hearing under paragraph (a) of this subsection is not an employee solely because he or she is paid by the school district or other public agency to serve as a hearing officer. (History: Sec. 75-7802, R.C.M. 1947; IMP Sec. 75-7802, R.C.M. 1947.)

3. The public hearing was conducted as scheduled. Comments and testimony were received. Interested persons were given an additional 10 days after the hearing to submit written comments. Written comments have been received.

(a)(1) Comment: Several persons wondered whether the word "parent" as used in the proposed rules includes a guardian.

(2) Response: The word "parent" was intended to include guardians and surrogate parents. To avoid misunderstanding, the word "guardian" has been expressly included in the rules where appropriate. For sake of brevity, "surrogate parent" has not been expressly listed as a person who may initiate a hearing, however, the word "parent" as used in the rule is intended to include a surrogate or natural parent.

(b)(1) Comment: John Albrecht suggested that a handicapped child should be given standing to initiate hearings. He argues that 20 U.S.C. section 1415(a) so requires, but that, even if federal law did not so require, Montana should because a child should be able to question the education

being provided.

(2) Response: The suggestion is overruled. Congress did not intend, through 20 U.S.C. §1415(a), to give handicapped children any greater authority than other children in questioning the education being provided. Provisions for the appointment of surrogate parents together with other statutory provisions for the protection of children, e.g., §§ 10-1301, et. seq. R.C.M. 1947, concerning abused, neglected and dependent youth, give handicapped children procedures which adequately guarantee procedural safeguards with respect to the provision of a free, appropriate education.

(c)(1) Comment: Considerable comment has been submitted about who should conduct, preside over and decide special education controversies and about how those persons should be selected.

(i) Roberta Snively, president of the Montana Association of County School Superintendents, Richard J. Llewellyn, County Attorney of Jefferson County, Glennadene Ferrell, Lake County Superintendent of Schools, Patrick M. Springer, County Attorney of Flathead County, Rhoda Jamruszka, Havre Public Schools, and Robert L. Laumeyer, Superintendent of the Boulder Public Schools, recommended that the county superintendents should preside over and decide special education controversies in their respective counties because it is their duty under section 75-5811, R.C.M. 1947, and the costs of the hearing will be less.

(ii) Carroll C. Blend, Deputy County Attorney for Cascade County submitted that 45 C.F.R. 121a.506(b) requires a hearing to be conducted by the Superintendent of Public Instruction or a board of trustees, but not the county superintendents.

(iii) At the public hearing, John Albrecht argued that county superintendents should not serve as hearings officers because they cannot be impartial hearings officers within the meaning of 45 C.F.R. 121a.507.

(iv) Patrick M. Springer suggested that the prohibition against employees serving as hearings officers be limited to employees involved with the education or care of the child.

(2) Response: 45 C.F.R. 121a.506(b) provides that the hearing must be conducted by the Superintendent of Public Instruction or the board of trustees of the district directly responsible for the education of the handicapped child as determined under state statute, regulation or policy.

The Montana Constitution makes the boards of trustees responsible for the control and supervision of education in their districts. That the boards of trustees are primarily responsible for special education of handicapped

children in their districts is apparent from sections 75-7801, et seq., R.C.M. 1947. The Superintendent of Public Instruction has the duty to approve board recommendations and many proposed activities due to funding provisions. Therefore, in keeping with the constitutional and statutory provisions for local control and supervision of education, hearings of special education controversies must be conducted by the school district directly responsible for the education of the child, i.e., the district in which the child's parent or guardian resides.

County superintendents have the duty to hear and decide all matters of controversy arising in their respective counties as a result of decisions of the trustees of a district. Furthermore, 45 C.F.R. 121a.507 prohibits employees of the school district from serving as hearing officers. Persons having a personal or professional interest which would conflict with their objectivity in the hearing cannot serve as the hearing officer either. Taking expenses and statutory duties into consideration, the county superintendents should decide all special education controversies arising in their respective counties, and should be the hearing officer subject to disqualification. There has been no showing that a county superintendent cannot be impartial in any special education controversy, however it could be argued that one would not be impartial, i.e., when the issue is the appropriateness of the special education services being for the grandson of a superintendent. For the possibility of disqualification, each county superintendent must keep a list of persons who serve as hearing officers to comply with 45 C.F.R. 121a.507.

The prohibition against employees serving as hearing officers was drafted to comply with 45 C.F.R. 121a.507.

The rules have been changed to reflect that the school district, instead of the county superintendent, is responsible for conducting the hearing, that the county superintendent will decide all special education controversies, and provisions have been made for the selection of alternate hearing officers.

(d)(1) Comment: Richard J. Llewellyn, County Attorney of Jefferson County, and Patrick M. Springer, County Attorney of Flathead County, objected to requiring school officials to advise a parent or guardian of the availability of free or low-cost legal and other relevant services available in the area.

(2) Response: The objection is overruled because such notice is required by 45 C.F.R. 121a.506(c).

(e)(1) Comment: Richard J. Llewellyn, County Attorney of Jefferson County, questioned whether the county superintendents have the authority to direct special education

personnel to schedule conferences.

(2) Response: Changes in the rules concerning responsibility for conducting the hearing makes this comment moot. See the response in paragraph 3(c)(2).

(f)(1) Comment: Patrick M. Springer, County Attorney of Flathead County and Rhoda Jamruszka, Havre Public Schools, objected to requiring documents to be served by certified mail. The objection was made because of the cost of certified mail.

(2) Response: The certified mail requirement was made for the purpose of insuring evidence of service. Cost being a significant consideration, the requirement is stricken. The oversight of not expressly providing for personal service has been corrected.

(g)(1) Comment: Richard J. Llewellyn, County Attorney of Jefferson County, Patrick M. Springer, County Attorney of Flathead County, Glennadene Ferrell, Lake County Superintendent of Schools, and Rhoda Jamruszka, Havre Public Schools, objected to a 20 day time limitation within which the hearing must be held.

(2) Response: The 20 day limitation is stricken to allow as much flexibility as possible.

(h)(1) Comment: Richard J. Llewellyn, County Attorney of Jefferson County, Patrick M. Springer, County Attorney of Flathead County, and Glennadene Ferrell, Lake County Superintendent of Schools, questioned the provision for compelling the attendance of district employees. The latter two suggested restricting the time when hearings can be held.

(2) Response: Restricting the time when hearings can be held may seriously affect the well being of a handicapped child and therefore the suggestion is overruled.

The provision for compelling the attendance of employees was inserted so trustees would not deny a child and his parent a fair hearing by preventing district employees from testifying on behalf of the parent and child. Rule 48-2.18 (42)-Pl8750(6) has been amended to better state the intent.

(i)(1) Comment: Richard J. Llewellyn, County Attorney of Jefferson County, inquired about the method and detail required in disclosing evidence to other parties.

(2) Response: The purpose of the rules is for everyone to have a fair hearing. The surprise at the hearing of springing undisclosed evidence upon unsuspecting parties denies them an opportunity to rebut the evidence, does nothing to promote fairness, and most importantly, does absolutely nothing for the best interests and welfare of the child. Therefore, the evidence should be disclosed in as much detail and by a means sufficient to fairly and ade-

quately apprise the other parties of the nature and content of the evidence. The means, including costs, and detail of disclosure should first be left to the good judgment of the parties. That failing, the means and detail is left to the person presiding over the hearing. Where doubt exists, the means and detail of disclosure must maximize, not minimize, knowledge.

(j)(1) Comment: Rhoda Jamruszka, Havre Public Schools, suggested that in addition to the evidence being disclosed at least 5 days before the hearing, the parties should submit a summary of facts and desired decision. She also suggested submitting the evidence and summary to the hearing officer.

(2) Response: Submitting summaries is encouraged, but the decision to do so is left to the person presiding over the hearing. The evidence should not be presented to the hearing officer before the hearing unless agreed upon by the parties. To do otherwise would neutralize a party's right to object to evidence and could deny a fair hearing.

(k)(1) Comment: Patrick M. Springer, County Attorney of Flathead County, suggested that the presentation of evidence should not be governed by the rules of evidence.

(2) Response: This suggestion is overruled. The rules of evidence have been developed to assist parties in the orderly presentation of their cases and to prevent the introduction of inflammatory, prejudicial, impertinent, frivolous, irrelevant, immaterial, incompetent or otherwise suspect evidence. Arriving at a correct determination of the appropriate education for the handicapped child will be severely hindered if the rules of evidence are abandoned.

(l)(1) Comment: Patrick M. Springer, County Attorney of Flathead County, and Richard J. Llewellyn, County Attorney of Jefferson County wondered whether objections to evidence should be ruled upon as well as noted in the record. Mr. Llewellyn also asks if the controverted evidence must be heard.

(2) Response: An express provision has been made for ruling on objections. A party has the right and duty to perfect the record at any hearing where the decision is subject to review. It is left to the discretion of the person presiding over the hearing as to how parties can make offers of proof and otherwise perfect the record.

(m)(1) Comment: Patrick M. Springer, County Attorney of Flathead County, suggested steering away from the best evidence rule without changing the impact of the subsection.

(2) Response: This suggestion is as to form and style rather than substance, and therefore the suggestion is

overruled.

(n)(1) Comment: Richard J. Llewellyn, County Attorney of Jefferson County, suggested that hearsay will become the rule of the day if evidence may be received in written form.

(2) Response: The rule allows evidence to be received in written form if the parties are not prejudiced. If a party believes he is so prejudiced, he should enter his objections.

(o)(1) Comments: John Albrecht suggested the addition of a subsection prohibiting ex parte consultations.

(2) Response: The suggestion is approved and is incorporated in the subsection adopting the provisions of the Administrative Procedure Act, and the Model Rule promulgated thereunder, for the hearing of contested cases insofar as such Act and Model Rules are not in conflict with 48-2.18 (42)-P18750.

(p)(1) Comment: Many persons objected to placing the initial burden of proof on the school district. Only John Albrecht argued for the burden of proof being on the district.

(2) Response: So the burden of proof in special education controversies is consistent with state law, section 93-1501(1), R.C.M. 1947, is restated in the rules verbatim.

(q)(1) Comment: Considerable comment has been submitted about the costs of special education hearings.

(i) Inquiry was made at the public hearing about whether the Superintendent of Public Instruction would pay for the hearings.

(ii) Glennadene Ferrell, Lake County Superintendent of Schools, advised that Lake County is opposed to being obligated for any hearing costs if the county superintendent is not the hearing officer. Two costs specifically identified are the cost of a hearing officer other than the county superintendent and the cost of a transcript.

(iii) Richard Llewellyn, County Attorney of Jefferson County asked "who is going to pay for the proceeding and for the preparation of the 'verbatim record' of the hearing?" and suggested that not many county superintendents have sufficient funds to pay for the transcripts. He also inquired about who pays for the hearing officer.

(iv) Robert L. Laumeyer, Superintendent of the Boulder Public Schools, recommended that, if parents of special education children can have a hearing at no cost to themselves, the rules must provide for a just cause hearing, with provisions for review, to determine whether the parent can have a hearing on the merits of the controversy. The

recommendation was silent about whether the trustees would be bound to the same procedure.

(v) Carroll C. Blend, Deputy County Attorney of Cascade County, visualizes the fiscal implications of appointing hearing officers as being horrendous. He also recommends that the parties, appellants and respondents, pay the cost of their copy of the transcript unless an affidavit of poverty is found.

(2) Response: The Superintendent of Public Instruction does not have funds for paying the costs of special education hearings nor does she have the authority to spend special education funds for the expense of the hearings.

The rules have been changed to allow the county superintendents to decide all special education controversies and preside over all but those in which they are disqualified. The parties are entitled to a fair hearing and the agencies responsible for providing a fair hearing must also bear the cost of providing it.

Insofar as the cost of transcribing the hearing is concerned, section 75-5811 requires the county superintendents to prepare a written transcript of the hearing proceedings. No one has advanced a compelling reason why transcripts of special education hearings should be treated any differently than any other school controversy.

Furthermore, there does not seem to be any compelling reason why the expenses of a special education hearing should not be borne in the same way the expenses of any other school controversy is borne. A provision has been added to so provide.

(r)(1) Comment: Rhoda Jamruszka, Havre Public Schools, suggested that a decision should be made within 45 working days instead of 45 days plus limiting extensions of time to 10 days.

(2) Response: 45 C.F.R. 121a.512 requires a decision to be made within 45 days without being modified as working days. To be in compliance with the federal rule, the Montana rule must remain 45 calendar days.

(s)(1) Comment: Patrick M. Springer, County Attorney of Flathead County, suggested eliminating the need to attach a copy of the findings of fact, conclusions of law, decision and notice of opportunity for administrative appeal because all interested persons will have a copy.

(2) Response: The rule has been changed to so provide.

(t)(1) Comment: Patrick M. Springer, County Attorney of Flathead County, recommended giving parties 15 days after receipt of the decision in which to appeal to the Superintendent of Public Instruction.

(2) Response: The rule has been changed to so provide.

(u)(1) Comment: Carroll Blend, Deputy County Attorney of Cascade County, recommended that the transcript be sent to the Superintendent of Public Instruction within 40 days with extensions for good cause shown.

(2) Response: Setting a time limit for forwarding the entire record including the transcript has merit. Enforcement is on the parties.

(v)(1) Comment: Patrick M. Springer, County Attorney of Flathead County, proposed amending rule 48-2.18(42)-Pl8750(11)(d)(i) to allow an electronic record.

(2) Response: The proposal is overruled because the hearing officer reviewing the appeal would have too much difficulty keeping the speakers property identified.

(w)(1) Comment: Richard J. Llewellyn, County Attorney of Jefferson County, and Robert L. Laumeyer, Superintendent of Boulder Public Schools, requested a definition of what is an appropriate education.

(2) Response: An attempt to provide an all-encompassing definition of "appropriate education" would be outside the scope of these rules, which are procedural in nature. What is an "appropriate education" in the context of the particular needs of one child may not be appropriate for another child. The purpose of these rules is to provide a framework so that the meaning of "appropriate education" may be determined as it applies to each individual case.

(x)(1) Comment: John Albrecht suggested that the rules provide for situations arising under title 75, chapter 78, R.C.M. 1947, in which the approval of the Superintendent of Public Instruction is required for certain programs. He expresses concern regarding appeal procedures in such instances and also suggests that local school districts be allowed to challenge a decision of the Superintendent of Public Instruction on an application for assistance.

(2) Response: Rule 48-2.18(42)-Pl8780, adopted simultaneously with these rules, accommodates these suggestions. Such rule provides for the opportunity for a hearing before an impartial hearing officer whose decision is final unless a party seeks judicial review pursuant to section 82-4216, R.C.M. 1947, or brings a civil action pursuant to 20 U.S.C. §1415.

(y)(1) Comment: John Albrecht suggested that the rules follow the decision of the United States District Court in Stuart v. Nappi, No. B-77-381 (D. Conn. 1/4/78), regarding prohibitions against expulsion of a student while a special education complaint is pending.

(2) Response: This suggestion is overruled. This decision construes the federal Education for the Handicapped


Act, 20 U.S.C. §1401, et seq. Written statutes and regulations always must be considered in light of interpretive decisions, but these rules do not attempt to duplicate or follow all court decisions.

(z)(1) Comment: John Albrecht comments that provisions for hearing and similar procedural safeguards should be adopted by the Office of Public Instruction for children in the Boulder River School and Hospital.

(2) Response. The Department of Institutions is the agency responsible for the operation of the Boulder River School and Hospital. It is necessary for the Office of Public Instruction to insure that the Department of Institutions adopts rules which substantially provide these procedural safeguards, but not to adopt such rules for the Department of Institutions.

(aa)(1) John Albrecht suggests that provision be made for a pleading similar to an answer in civil actions, for the purpose of clarifying the issues.

(2) Response: Every effort has been made in drafting these rules to keep the procedures as informal as possible without jeopardizing the rights of any of the parties. Section 82-4211, R.C.M. 1947, relating to the authority of hearing examiners, provides that a hearing examiner may order a pre-hearing conference for the purpose of formulating and simplifying the issues. Such procedure, within the discretion of the hearing examiner would provide adequate protection of the rights of the parties without the added burden of formal pleadings.


Georgia Ruth Ryce
Superintendent of Public
Instruction

Certified to the Secretary of State July 18, 1978.

BEFORE THE SUPERINTENDENT OF PUBLIC
INSTRUCTION OF THE STATE OF MONTANA

In the matter of the adoption) NOTICE OF THE ADOPTION OF
of rules on hearing procedures) RULE 48-2.18(42)-P18780
for special education applica-) CONCERNING THE HEARING PRO-
tions to the Superintendent of) CEDURES FOR SPECIAL EDUCA-
Public Instruction.) TION APPLICATIONS TO THE
) SUPERINTENDENT OF PUBLIC
) INSTRUCTION.

TO: All Interested Persons:

1. On June 23, 1978, the Office of Public Instruction published notice of a proposed adoption of rule 48-2.18(42)-P18780 concerning hearing procedures for special education applications to the Superintendent of Public Instruction at pages 870-873 of the 1978 Montana Administrative Register, Issue No. 6. The Superintendent of Public Instruction proposed to adopt rule 48-2.18(42)-P18780 on July 27, 1978. No public hearing was contemplated.

2. The agency has adopted the rule with the following changes:

48-2.18(42)-P18780. HEARING ON APPLICATIONS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION. (1) Scope. A parent, guardian or board of trustees may initiate a hearing when the Superintendent of Public Instruction disapproves an application for special education made pursuant to title 75, chapter 78, of the Revised Codes of Montana, 1947, which affects the identification, evaluation, or educational placement of a handicapped child or which affects the provision of a free appropriate public education to a handicapped child.

(2) Requests for Hearing. A parent, guardian, the board of trustees of the district in which a child's parent or guardian resides, or the board of trustees providing educational services to the child may initiate a hearing by filing a written request for a hearing, together with a statement of the reasons therefor and the names and addresses of the parties, with the Superintendent of Public Instruction within thirty (30) days after the date of the disapproval.

(3) Notification of Access of Information and Assistance. (a) Upon receipt of a request for hearing, the Superintendent of Public Instruction shall notify the parent or guardian in writing:

(i) That the parent, guardian or his a representative designated in writing shall have access to school reports, files and records pertaining to the child and shall be given copies at the actual cost of copying;

(ii) Of any free or low-cost legal and other relevant services available in the area of the parent's or guardian's residence.

(b) Upon request, a parent or guardian shall be informed by the Superintendent of Public Instruction of any free or low-cost legal and other relevant services available in the area of the parent's or guardian's residence.

(4) Conference and Informal Disposition. The Superintendent of Public Instruction shall make a reasonable effort to schedule conferences with the parties for the purpose of resolving differences about the application without a hearing.

(5) Notice of Hearing. (a) The Superintendent of Public Instruction shall schedule a hearing at a time and place which is reasonably convenient to the parent or guardian and child and the trustees.

(b) Written notice of the date, time and place shall be ~~sent~~ mailed to all parties ~~by-certified-mail~~ or personally served notice on them. Notice to the parent or guardian shall be written in language understandable to the general public and in the native language of the parent or guardian or other mode of communication used by the parent or guardian unless it is clearly not feasible to do so. If the native language or other mode of communication is not a written language, the Superintendent of Public Instruction shall direct the notice to be translated orally or by other means to the parent or guardian in his native language or other means of communication.

~~{6}--Witnesses--At-the-request-of-the-parent,-the board-of-trustees-of-any-district-which-is-a-party-to-the hearing-shall-require-the-attendance-at-the-hearing-of-any officer-or-employee-of-the-district-who-may-have-evidence or-testimony-relevant-to-the-needs,-abilities,-proposed programs-or-status-of-the-child-~~

(6) Witnesses. Neither the trustees nor any employee of a school district shall prevent or attempt to prevent any employee of the district from attending the hearing and giving evidence and testimony relevant to the issues. Nor shall the trustees or any employee of a school district take any action against an employee for appearing and giving evidence and testimony.

(7) Evidence. Evidence which a party intends to introduce at the hearing must be disclosed to the other parties at least 5 days before the hearing.

(8) Conduct of Hearing. (a) At the hearing an impartial hearing officer shall hear witnesses and take evidence according to the provisions of this rule and according to the common law and statutory rules of evidence which are not in conflict with the provisions of this rule.

(i) ~~Objections to offers of evidence may be made and the hearing officer will note them~~ will be ruled on and noted in the record.

(ii) To expedite the hearing, if the interests of the parties are not prejudiced, any part of the evidence may be received in written form.

(iii) The hearing officer may take notice of judicially cognizable facts. Parties shall be notified of materials noticed and be given an opportunity to contest materials noticed.

(iv) Where the original of documentary evidence is not readily available the best evidence rule is hereby modified to allow copies of excerpts.

(v) All testimony shall be given under oath or affirmation.

(vi) Special education controversy hearings will be conducted in accordance with the provisions of the Administrative Procedure Act, and the rules promulgated pursuant thereto, for the conduct of hearing contested cases which are not in conflict with the provisions of this rule.

(b) Any party to a hearing has the right to:

(i) Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of handicapped children;

(ii) Present evidence and confront, cross-examine, and compel the attendance of witnesses;

(iii) Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least 5 days before the hearing;

(iv) Obtain a written or electronic verbatim record of the hearing;

(v) Obtain written findings of fact and decisions.

(c) The parent or guardian shall have the right to have the child who is the subject of the hearing present.

(d) The hearing shall be closed to the public unless the parent or guardian requests an open hearing.

(e) A written or electronic verbatim record of the hearing shall be made.

(f) When necessary, interpreters for the deaf or interpreters in the native language or other mode of communication of the parent or guardian shall be provided throughout the hearing at public expense.

~~(g) -- The burden of proof initially shall be upon the party requesting the hearing.~~

(g) The party holding the affirmative of the issue must produce the evidence to prove it; therefore, the burden

of proof lies on the party who would be defeated if no evidence were given on either side.

(h) The expense of the hearing shall be borne in the same manner as the expense of a hearing is borne in other school controversies.

(9) Timeliness. Not later than 45 days after the request for a hearing is filed with the Superintendent of Public Instruction, plus specific time extensions granted at the request of a party and delays attributable to a parent the parties, the hearing officer shall:

(a) Reach a final decision in the hearing which is written in language understandable to the general public; and

(b) Insure that a copy of the findings of fact, conclusions of law, decision and notice of right to seek judicial review or bring a civil action is sent by certified mail to each party. The parent or guardian shall receive a copy of the decision in the native language of the parent or guardian or other mode of communication used by the parent or guardian unless it is clearly not feasible to do so. If the native language or other mode of communication is not a written language, the hearing officer shall direct the decision to be translated orally to the parent or guardian in his native language or other means of communication.

(c) Delays attributable to the parties include time during which the parties are submitting proposed findings of fact, conclusions of law and decisions.

(10) Hearing Officer. Upon filing a request for hearing, the Superintendent of Public Instruction and the parties shall select an impartial hearing officer in the same manner as provided in Rule 48-2.18(42)-Pl8770(1), (3), (4), and (5).

(11) Court Action. The decision of the hearing officer is final unless a party seeks judicial review pursuant to section 82-4215, R.C.M. 1947, or brings a civil action pursuant to 20 U.S.C. 1415.

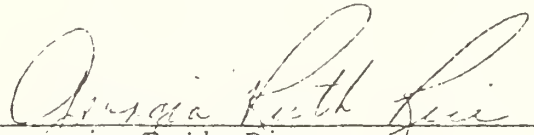
(12) Placement. The child shall remain in his current educational placement until the hearing officer enters a decision, except in an emergency situation when the health and safety of the child or other children would be endangered or when the child's presence substantially disrupts the educational programs for other children as provided in Rule 48-2.18(14)-Sl8120(1)(c)(vi). (History: Sec. 75-7802, R.C.M. 1947, IMP Sec. 75-7802, R.C.M. 1947.)

3. No petition for public hearing was received and no comments or testimony were received. The agency has

9-8/10/78

Montana Administrative Register

adopted the rule to provide better procedures for due process protection of handicapped children and their parents and to provide handicapped children, their parents and education agencies standard hearing procedures for special education applications to the Superintendent of Public Instruction.



Georgia Ruth Rice
Superintendent of Public Instruction

Certified to the Secretary of State July 18, 1978.

Distributed by
Office of Public Instruction
Georgia Rice, Superintendent
Helena, MT. 59601

ATTACHMENT 5

MONTANA STATUTE 20-7-401

CHAPTER 7

SCHOOL INSTRUCTION AND SPECIAL PROGRAMS

Part 1 — Accreditation and Curriculum

- Section
20-7-101. Standards of accreditation.
20-7-102. Accreditation of schools.
Sections 20-7-103 through 20-7-110 reserved.
20-7-111. Instruction in public schools.
20-7-112. Sectarian publications prohibited and prayer permitted.
20-7-113. Maintenance of curriculum guide file and publishing curriculum guides by superintendent of public instruction.
20-7-114. Instructional assistance by superintendent of public instruction.
20-7-115. Private music instruction.
20-7-116. Supervised correspondence study.
20-7-117. Five-year-old schooling and preschool programs.

Part 2 — Libraries

- 20-7-201. State visual, aural, and other educational media library.
20-7-202. School library required.
20-7-203. Trustees' policies for school library.
20-7-204. School library book selection.
20-7-205. Reporting school library information.

Part 3 — Vocational and Technical Education

- 20-7-301. Duties of board of public education.
20-7-302. Duties of superintendent of public instruction as executive officer.
20-7-303. District authorization to establish and maintain vocational education courses and programs.
Sections 20-7-304 through 20-7-310 reserved.

SCHOOL INSTRUCTION AND SPECIAL PROGRAMS

- 20-7-311. Postsecondary vocational-technical center designation.
20-7-312. Local administration.
20-7-313. Exception to school calendar.
20-7-314. Lease or purchase of state property for postsecondary vocational-technical center purposes.
Sections 20-7-315 through 20-7-320 reserved.
20-7-321. Acceptance of acts of congress for vocational education.
20-7-322. State treasurer custodian of vocational education moneys.
20-7-323. Program and budget categories for postsecondary vocational-technical education centers.
20-7-324. Sources of financing for postsecondary vocational-technical center budgets — board of public education administration.
20-7-325. Postsecondary vocational-technical center fund.
Sections 20-7-326 through 20-7-330 reserved.
20-7-331. Admission of pupils with priority to Montana residents.
20-7-332. Waiver of tuition for Montana residents and setting nonresident tuition rates.
20-7-333. Pupil fees and disposition of collected fees.

Part 4 — Special Education for Exceptional Children

- 20-7-401. Definitions.
20-7-402. Special education to comply with board policies.
20-7-403. Duties of superintendent of public instruction.
20-7-404. Cooperation of state agencies.
Sections 20-7-405 through 20-7-410 reserved.
20-7-411. Regular classes preferred — obligation to establish special education program.
20-7-412. Establishment of individual district special education program.
20-7-413. Petition of parents for establishment of special education program.
20-7-414. Determination of children in need and type of special education needed — approval of classes and programs by superintendent.
20-7-415. Regional special education services — funding — expiration date.
Sections 20-7-416 through 20-7-420 reserved.
20-7-421. Arranging attendance in another district in lieu of a special education program.
20-7-422. Out-of-state tuition for special education children.
20-7-423. Arranging attendance in a private institution.
20-7-424. No tuition when attending a state institution.
Sections 20-7-425 through 20-7-430 reserved.
20-7-431. Allowable cost schedule for special education — superintendent to make rules — annual accounting.
Sections 20-7-432 through 20-7-440 reserved.
20-7-441. Special education child eligibility for transportation.
20-7-442. State transportation reimbursement for special education children.
20-7-443. Financial assistance for under-six-year-old special education class or program.

Part 5 — Traffic Education

- 20-7-501. Definitions.
- 20-7-502. Duties of superintendent of public instruction.
- 20-7-503. District establishment of traffic education program.
- 20-7-504. State traffic education account and proceeds earmarked for the account.
- 20-7-505. Transmittal of proceeds from fines and other sources.
- 20-7-506. Annual allocation and distribution of traffic education account proceeds — allocation for state administration.
- 20-7-507. District traffic education fund.

Part 6 — Textbook Regulation

- 20-7-601. Free textbook provisions.
- 20-7-602. Textbook selection and adoption.
- 20-7-603. Textbooks obtained from licensed textbook dealer.
- 20-7-604. Licensing textbook dealers.
- 20-7-605. Notification and processing of complaint against a licensed textbook dealer.

20-7-101

EDUCATION

- 20-7-606. Doing business without textbook dealer's license — penalty.
- 20-7-607. Restricting competition — penalty.
- 20-7-608. Offer or acceptance of emoluments or other inducements — penalty.

Part 7 — Adult Education

- 20-7-701. Definition of adult education and adult basic education.
- 20-7-702. Authorization to establish adult education program.
- 20-7-703. Trustees' policies for adult education.
- 20-7-704. Adult education tuition and fees.
- 20-7-705. Adult education fund.
- Sections 20-7-706 through 20-7-710 reserved.
- 20-7-711. State policy for adult basic education.
- 20-7-712. Adult basic education fund and its distribution.

Part 8 — Public Recreation

- 20-7-801. Public recreation program authorized.
 - 20-7-802. How program operated — independently or cooperatively — delegation.
 - 20-7-803. Authority to accept gifts.
 - 20-7-804. Authority of board of public education.
 - 20-7-805. Recreational use of school facilities secondary.
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Part 4

Special Education for Exceptional Children

20-7-401. Definitions. In this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Deaf" means a hearing impairment which is so severe that the child's hearing is nonfunctional for the purpose of educational performance.

(2) "Emotionally disturbed" means a condition exhibiting one or more of the following characteristics to a marked degree and over a long period of time: an inability to learn which cannot be explained by intellectual, sensory, or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate types of behavior or feelings under normal circumstances; a general pervasive mood of unhappiness or depression; or a tendency to develop physical symptoms, pains, or fears associated with personal or school problems. The term does not include children who are socially maladjusted. The emotionally disturbed category may include students who also may have been diagnosed by appropriate specialists as autistic, psychotic, sociopathic, or schizophrenic. An emotionally disturbed child's disorders are not primarily the result of problems with visual acuity, hearing impairment, physical handicaps, cultural or instructional factors, or mental retardation. "Emotionally disturbed" refers to a person who has been identified, based on a comprehensive evaluation, as having observable behavioral patterns which seriously inhibit the academic and social or emotional growth of the individual or the educational rights of others to the point that supportive services are required. These behavioral patterns may include:

(a) excessive physical or verbal aggression toward oneself or others and a lack of response to regular educational intervention;

(b) high frequency of persistent inattention to academic or social tasks associated with regular classroom performance; and

(c) persistent withdrawal from peer or adult interactions associated with the expected social development in a regular educational environment.

(3) "Handicapped child" means a child evaluated as being mentally retarded, hard-of-hearing, deaf, speech-impaired, visually handicapped, emotionally disturbed, orthopedically impaired, other health-impaired, or as having specific learning disabilities, who because of those impairments needs special education and related services.

(4) "Hard-of-hearing" means a hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance but which is not included within the definition of deaf.

(5) "Mentally retarded" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects a child's educational performance.

(6) "Orthopedically impaired" means a severe orthopedic impairment which adversely affects a child's educational performance. The term includes but is not

limited to impairment caused by congenital anomaly (e.g., clubfoot or absence of some member), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., fractures or burns which cause contractures, amputation, cerebral palsy).

(7) "Other health-impaired" means limited strength, vitality, or alertness due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle-cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes.

(8) "Special education" means specially designed instruction, given at no cost to the parents or guardians, to meet the unique needs of a handicapped child, including but not limited to classroom instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions. The term includes but is not limited to speech pathology, audiology, occupational therapy, and physical therapy.

(9) "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. The term includes but is not limited to such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps; mental retardation; or environmental, cultural, or economic disadvantages.

(10) "Speech/language impaired" means a communication disorder such as stuttering, impaired articulation, or a language or voice impairment which adversely affects a child's interpersonal relationships or educational performance.

(11) "Visually handicapped" means a visual impairment which, after correction, adversely affects a child's educational performance. The term includes both partially seeing and blind children.

History: En. 75-7801 by Sec. 419, Ch. 5, L. 1971; amd. Sec. 1, Ch. 93, L. 1974; amd. Sec. 27, Ch. 266, L. 1977; amd. Sec. 1, Ch. 539, L. 1977; R.C.M. 1947, 75-7801.

20-7-402. Special education to comply with board policies. (1) The conduct of special education programs shall comply with the policies recommended by the superintendent of public instruction and adopted by the board of public education. These policies shall assure and include but are not limited to:

(a) placement of handicapped children in the least restrictive alternative setting;

(b) due process for all handicapped children;

(c) use of child study teams to identify handicapped children and use of instructional teams to plan individual education programs;

(d) comprehensive evaluation for each handicapped child; and

(e) other policies needed to assure a free and appropriate public education.

(2) The superintendent of public instruction shall promulgate rules to administer the policies of the board of public education.

History: En. 75-7802 by Sec. 420, Ch. 5, L. 1971; amd. Sec. 2, Ch. 539, L. 1977; R.C.M. 1947, 75-7802.

20-7-403. Duties of superintendent of public instruction. The superintendent of public instruction shall supervise and coordinate the conduct of special education in the state by:

(1) recommending to the board of public education adoption of those policies necessary to establish a planned and coordinated program of special education in the state;

- (2) administering the policies adopted by the board of public education;
- (3) certifying special education teachers on the basis of the special qualifications for such teachers as prescribed by the board of public education;
- (4) establishing procedures to be used by school district personnel in identifying handicapped children;
- (5) recommending to districts the type of special education class or program needed to serve the handicapped children of the districts and preparing appropriate guides for developing individual education programs;
- (6) seeking for local districts appropriate interdisciplinary assistance from public and private agencies in diagnosing the special education needs of children, in planning programs, and in admitting and discharging children from such programs;
- (7) assisting local school districts, institutions, and other agencies in developing full-service programs for all handicapped children;
- (8) approving, as they are proposed and annually thereafter, those special education classes or programs which comply with the laws of the state of Montana, policies of the board of public education, and the regulations of the superintendent of public instruction;
- (9) providing technical assistance to district superintendents, principals, teachers, and trustees;
- (10) conducting conferences, offering advice, and otherwise cooperating with parents and other interested persons;
- (11) acting as the coordinating agency with federal agencies, other state agencies, political subdivisions of the state, and private bodies on matters concerning special education, reserving to the other agencies and political subdivisions their full responsibilities for other aspects of the care of children needing special education; and
- (12) administering regional special education services for children in need of special education in accordance with policies of the board of public education.

History: En. 75-7803 by Sec. 421, Ch. 5, L. 1971; amd. Sec. 1, Ch. 174, L. 1975; amd. Sec. 3, Ch. 539, L. 1977; R.C.M. 1947, 75-7803.

20-7-404. Cooperation of state agencies. The state department of health, the department of institutions, the department of social and rehabilitation services, and the state school for the deaf and blind shall cooperate with the superintendent of public instruction in assisting school districts in discovering children in need of special education. Nothing herein shall be construed to interfere with the purpose and function of these state agencies.

History: En. 75-7804 by Sec. 422, Ch. 5, L. 1971; amd. Sec. 5, Ch. 539, L. 1977; R.C.M. 1947, 75-7804.

20-7-405 through 20-7-410 reserved.

20-7-411. Regular classes preferred — obligation to establish special education program. (1) All handicapped children in Montana are entitled to a free appropriate public education provided in the least restrictive alternative setting. To the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, shall be educated with children who are not handicapped. Separate schooling or other removal of handicapped children from the regular educational environment may occur only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

(2) After September 1, 1977, the board of trustees of every school district must provide or establish and maintain a special education program for every handicapped person as herein defined between the ages of 6 and 18, inclusive. After Sep-

tember 1, 1980, such services shall be provided for all handicapped children between the ages of 3 and 21, inclusive.

(3) The board of trustees of any school district may meet its obligation to serve handicapped persons by establishing its own special education program, by establishing a cooperative special education program, or by participating in a regional services program.

History: En. 75-7805 by Sec. 423, Ch. 5, L. 1971; amd. Sec. 1, Ch. 123, L. 1971; amd. Sec. 2, Ch. 93, L. 1974; amd. Sec. 6, Ch. 539, L. 1977; R.C.M. 1947, 75-7805.

20-7-412. Establishment of individual district special education program. (1) The trustees of any district, upon obtaining the approval of the superintendent of public instruction, shall establish and maintain a special education program whenever, in the judgment of the trustees and the superintendent of public instruction:

(a) there are sufficient numbers of handicapped children in the district to justify the establishment of a program; or

(b) an individual child requires special education services such as home or hospital tutoring, school-to-home telephone communication, or other individual programs.

(2) Prior to September 1, 1980, programs may be established for handicapped children ages 3 through 5 and after September 1, 1980, children ages 0 through 2 may be provided service when the superintendent of public instruction and the trustees have determined that such programs will:

(a) assist a child to achieve levels of competence that will enable him to participate in the regular instruction of the district when he could not participate without special education;

(b) permit the conservation or early acquisition of skills which will provide the child with an equal opportunity to participate in the regular instruction of the district; or

(c) provide other demonstrated educational advantages which will materially benefit the child.

(3) Prior to September 1, 1980, programs may be established for handicapped persons between the ages of 18 and 21 inclusive when the superintendent of public instruction and the trustees have determined that such programs will contribute to the educational development of those persons.

(4) When an agency which has responsibility for a handicapped person over 21 but not more than 25, inclusive, cannot provide appropriate services to that person, the agency may contract with the local school district to provide such services.

History: En. 75-7806 by Sec. 424, Ch. 5, L. 1971; amd. Sec. 1, Ch. 122, L. 1971; amd. Sec. 2, Ch. 123, L. 1971; amd. Sec. 3, Ch. 93, L. 1974; amd. Sec. 7, Ch. 539, L. 1977; R.C.M. 1947, 75-7806.

20-7-413. Petition of parents for establishment of special education program. The parents of persons requiring special education may petition the board of trustees to establish an individual district special education program. Parents residing in several districts may petition the board of trustees of each district to cooperatively establish a special education program. The interlocal cooperative agreement authorized in Title 7, chapter 11, part 1 may be used to establish a multidistrict special education program.

History: En. 75-7807 by Sec. 425, Ch. 5, L. 1971; amd. Sec. 3, Ch. 123, L. 1971; amd. Sec. 4, Ch. 93, L. 1974; amd. Sec. 8, Ch. 539, L. 1977; R.C.M. 1947, 75-7807.

20-7-414. Determination of children in need and type of special education needed — approval of classes and programs by superintendent.

(1) The determination of the children requiring special education and the type of special education needed by these children shall be the responsibility of the trustees, and such determination shall be made in compliance with the procedures established in the rules of the superintendent of public instruction.

(2) Whenever the trustees of any district intend to establish a special education class or program, they shall apply for approval and funding of the class or program by the superintendent of public instruction. The superintendent of public instruction shall approve or disapprove the application for the special education class or program on the basis of its compliance with the laws of the state of Montana, the special education policies adopted by the board of public education, and the rules of the superintendent of public instruction. No special education class may be operated by the trustees without the approval of the superintendent of public instruction. Each special education class or program must be approved annually to be funded as part of the maximum-budget-without-a-vote for special education.

History: En. 75-7811 by Sec. 429, Ch. 5, L. 1971; amd. Sec. 12, Ch. 539, L. 1977; R.C.M. 1947, 75-7811.

20-7-415. Regional special education services — funding — expiration date. (1) There is established a regional special education services program to provide special education services to handicapped children who cannot efficiently be served by a program operated by an individual school district or by several cooperating school districts. Regional special education services shall be limited to:

(a) providing direct services to handicapped children who are not adequately served by a district program;

(b) initiating special services for handicapped children as a service model which may then be continued as an individual district or cooperative district program;

(c) coordinating and conducting in-service training for special education and local district personnel in the region; and

(d) assisting local districts in the region in the development and expansion of individual district or cooperative district programs.

(2) Funds for such services shall be appropriated to the superintendent of public instruction from state equalization funds and shall be available to support regional special education programs and services. Such funds may be supplemented by appropriate federal funds. The authorization for regional special education services for children expires on June 30, 1980.

History: En. 75-7817 by Sec. 4, Ch. 539, L. 1977; R.C.M. 1947, 75-7817.

20-7-416 through 20-7-420 reserved.

20-7-421. Arranging attendance in another district in lieu of a special education program. With the approval of the superintendent of public instruction, the trustees may arrange for the attendance of a child in need of special education in a special education program in another district within the state of Montana. Arrangements for the attendance of a child in need of special education are not subject to the laws governing the attendance of pupils in schools outside the district, and no tuition shall be charged the district of residence. However, tuition as required under 20-5-303 may be charged for children who are not considered full-time special education pupils as defined in 20-9-311.

History: En. 75-7808 by Sec. 426, Ch. 5, L. 1971; amd. Sec. 1, Ch. 140, L. 1975; amd. Sec. 9, Ch. 539, L. 1977; R.C.M. 1947, 75-7808.

20-7-422. Out-of-state tuition for special education children. (1) If the trustees of any district recommend to the superintendent of public instruction the attendance of a child in need of special education in a special education program

offered outside of the state of Montana, such arrangements shall not be subject to the out-of-state attendance provisions of the laws governing the attendance of pupils in schools outside the state of Montana.

(2) Whenever the attendance of a child at an out-of-state special education program is approved by the superintendent of public instruction, it shall be the responsibility of the superintendent of public instruction, in cooperation with the department of social and rehabilitation services and the department of institutions, to negotiate the program for the child and the amount and manner of payment of tuition. The amount of tuition shall be included as a contracted service in 20-7-431(1)(b)(iv)(A) in the maximum-budget-without-a-vote for special education.

History: En. 75-7809 by Sec. 427, Ch. 5, L. 1971; amd. Sec. 2, Ch. 140, L. 1975; amd. Sec. 10, Ch. 539, L. 1977; R.C.M. 1947, 75-7809.

20-7-423. Arranging attendance in a private institution. Whenever the trustees determine that a handicapped child is in need of services that can only be provided by a private institution and the superintendent of public instruction so approves, the board of trustees may negotiate the amount and manner of payment of tuition and it shall be included as a contracted service as allowed in 20-7-431(1)(b)(iv)(A).

History: En. 75-7809.1 by Sec. 11, Ch. 539, L. 1977; R.C.M. 1947, 75-7809.1.

20-7-424. No tuition when attending a state institution. When a child is attending an institution supported solely by funds of the state of Montana, the resident district or county shall not be required to pay tuition to the state institution for such child, but whenever at the recommendation of institution officials such child attends classes conducted by a school within a local district, the district or county, whichever is applicable, wherein the parents or guardian of the child maintain legal residence shall pay tuition to the district or county operating the school in accordance with the provisions of 20-5-305 or 20-7-421, whichever section applies to the circumstances of the child. Transportation payments shall be made for students enrolled in such classes or receiving training, including summer sessions, at the state institution. The schedule of transportation payments shall be approved in accordance with existing special education transportation payment schedules and shall be approved by the county transportation committee and the superintendent of public instruction.

History: En. 75-7810 by Sec. 428, Ch. 5, L. 1971; amd. Sec. 1, Ch. 282, L. 1971; amd. Sec. 1, Ch. 45, L. 1973; amd. Sec. 7, Ch. 91, L. 1973; R.C.M. 1947, 75-7810.

20-7-425 through 20-7-430 reserved.

20-7-431. Allowable cost schedule for special programs — superintendent to make rules — annual accounting. (1) For the purpose of determining the maximum-budget-without-a-vote for special education as defined in 20-9-321, the following schedule of allowable costs shall be followed by the school district in preparation of its special education budget for state aid request purposes and by the superintendent of public instruction in his review and approval of the budget (for the purposes of determining the amount of the maximum-budget-without-a-vote for special education for the district, and as used in this schedule, "full-time special pupil" and "regular ANB" are to be determined in accordance with 20-9-311 and 20-9-313):

(a) administration: salaries, benefits, supplies, and other expenses of the superintendent's office, the office of the board of trustees, and the business office including:

(i) salaries of professional administrative personnel—a portion of the entire cost corresponding to the portion of entire working time which each such person devotes to the special program;

(ii) salaries of clerical personnel for administrative staff—the amount allowed for budget purposes per full-time special pupil may not exceed the amount budgeted per regular ANB for the current year;

(iii) supplies and other expenses—the amount allowed for budget purposes per full-time special pupil may not exceed the amount budgeted per regular ANB for the current year;

(b) instruction: salaries, benefits, supplies, textbooks, and other expenses including:

(i) salaries of principals and clerical personnel—a portion of the entire cost corresponding to the portion of the entire working time which each such person devotes to the special program, but not to exceed 1.75 times the amount budgeted per regular ANB for the current year;

(ii) salaries and benefits of special program teachers, regular program teachers, teacher aides, special education supervisors, audiologists, and speech and hearing clinicians—the entire cost if employed full time in the special program; if such personnel are shared between special and regular programs—a portion of the entire cost corresponding to the entire working time which each such person devotes to the special program;

(iii) teaching supplies and textbooks if used exclusively for special programs—the actual total cost; if shared with regular programs—the amount allowed for budget purposes per full-time special pupil may not exceed the amount budgeted per regular ANB for the current year;

(iv) other expenses with the exception of the following items—the amount allowed for budget purposes per full-time special pupil may not exceed the amount budgeted per regular ANB for the current year:

(A) contracted services, including fees paid for professional advice and consultation regarding special students or the special program, and the delivery of special education services by public or private agencies—the actual total cost;

(B) transportation costs for special education personnel who must travel on an itinerant basis from school to school or district to district—the actual cost to the district calculated on the same mileage rate used by the district for other travel reimbursement purposes;

(c) library services: salaries, books and periodicals, and other expenses—the amount allowed for budget purposes per full-time special pupil may not exceed the amount budgeted per regular ANB for the current year;

(d) supportive services: salaries, benefits, and other expenses:

(i) salaries and benefits of professional supportive personnel—the entire cost if employed full time in the special program; if such personnel are shared between special and regular programs—a portion of the entire cost corresponding to the entire working time which each such person devotes to the special program. Professional supportive personnel may include counselors, social workers, psychologists, psychometrists, physicians, nurses, and physical and occupational therapists.

(ii) salaries and benefits of clerical personnel for professional personnel in supportive services—the entire cost if employed full time in the special program; if such personnel are shared between special and regular programs—a portion of the entire cost corresponding to the entire working time which each such person devotes to the special program;

(iii) other expenses—the amount allowed for budget purposes per full-time special pupil may not exceed the amount budgeted per regular ANB for the current year;

(e) operation of plant: salaries, benefits, heat for buildings, utilities except heating, and other supplies and expenses—the superintendent of public instruction shall make regulations fixing a ratio for operation spending per full-time special

pupil to such spending per current year's regular ANB. The proration shall be based on the ratio between the number of special pupils per class and the number of regular pupils per class and any other relevant factors.

(f) maintenance of plant: salaries, benefits, replacements and parts, contracted services—the superintendent of public instruction shall make regulations fixing a ratio for maintenance spending per full-time special pupil to such spending per current year's regular ANB. The proration shall be based on the ratio between the number of special pupils per class and the number of regular pupils per class and any other relevant factors.

(g) school food services—the amount allowed for budget purposes per full-time special pupil may not exceed the amount budgeted per regular ANB for the current year;

(h) student body and auxiliary services: salaries and other expenses—the amount allowed for budget purposes per full-time special pupil may not exceed the amount budgeted per regular ANB for the current year;

(i) other current charges: insurance, rental of land and buildings, and other expenses:

(i) rental of land and buildings, when such premises meet all requirements of the board of public education and the department of health and environmental sciences—no such costs may be charged to the special program without specific authorization from the superintendent of public instruction unless the land and buildings are shared between the special and regular pupils, and the amount of the total cost that may be charged to the special program may not exceed whatever proportion the number of special full-time pupils are to the total enrollment of the school district of the previous year. However, any school district renting land and buildings for special education purposes prior to the 1974-75 school year is not subject to this requirement and will charge a portion of the total cost when shared with regular programs, to be prorated based on the amount of building space used by each type of program.

(ii) insurance—the superintendent of public instruction shall make regulations fixing a ratio for insurance spending per full-time special pupil to such spending per current year's regular ANB. The proration shall be based on the ratio between the number of special pupils per class and the number of regular pupils per class and any other relevant factors.

(iii) all other expenses—the amount allowed for budget purposes per full-time special pupil for a school year may not exceed the amount budgeted per regular ANB for the current school year;

(j) capital outlay: remodeling and improvements, equipment, and other:

(i) classroom remodeling and improvements for a program for handicapped students who need special facilities—the actual total cost; all other remodeling and improvements—the amount allowed for budget purposes per full-time special pupil for a school year may not exceed the amount budgeted per regular ANB for the current school year;

(ii) equipment—the actual total cost;

(iii) special equipment for district-owned school buses necessary to accommodate special students—the actual total cost;

(iv) special equipment for school buses contracted to transport special students—that portion of the contract price attributable to the cost of special equipment or personnel required to accommodate special students—the actual special cost;

(v) other—the amount allowed for budget purposes may not exceed the amount budgeted per regular ANB for the current year;

(k) room and board costs when the special pupil has to attend a program at such a distance from his home that commuting is undesirable as determined by the superintendent of public instruction.

(2) The superintendent of public instruction shall, prior to September 1, 1977, revise the rules in accordance with the policies of the board of public education for:

(a) keeping necessary records for supportive and administrative personnel and any personnel shared between special and regular programs;

(b) defining the total special program caseload that shall be assigned to specific support persons and the kinds of professional specialties to be considered relevant to the program before the district may count an allowable cost under subsection (1)(d) of this section;

(c) defining the kinds or types of equipment whose costs may be counted under subsection (1)(j)(ii) of this section; and

(d) prescribing formulas for calculating the portion of operation and maintenance costs, insurance, building, and rental costs properly allocable to the special programs, as prescribed by subsections (1)(e), (1)(f), (1)(i)(i), and (1)(i)(ii) of this section.

(3) An annual accounting of all expenditures of school district general fund moneys for special education shall be made by the district trustees on forms furnished by the superintendent of public instruction. The superintendent of public instruction shall make rules for such accounting.

(4) If a board of trustees chooses to exceed the budget approved by the superintendent of public instruction, costs in excess of the approved budget may not be reimbursed under the maximum-budget-without-a-vote for special education.

History: En. 75-7813.1 by Sec. 1, Ch. 344, L. 1974; amd. Sec. 13, Ch. 539, L. 1977; R.C.M. 1947, 75-7813.1.

20-7-432 through 20-7-440 reserved.

20-7-441. Special education child eligibility for transportation. With the approval of the superintendent of public instruction, any special education child shall be eligible for transportation, which shall be provided by the resident district, when he is enrolled:

(1) in a special education class or program operated by the district of such child's residence;

(2) in a special education class or program operated by a Montana district other than the child's resident district;

(3) under an approved tuition agreement in a special education class or program operated outside of the state of Montana; or

(4) under an approved tuition agreement in a private institution.

History: En. 75-7814 by Sec. 432, Ch. 5, L. 1971; amd. Sec. 14, Ch. 539, L. 1977; R.C.M. 1947, 75-7814.

20-7-442. State transportation reimbursement for special education children. Districts providing children with transportation to a special education class or program and complying with the special education transportation regulations promulgated by the superintendent of public instruction shall be eligible for a transportation reimbursement. The reimbursement shall be calculated from a schedule established by the superintendent of public instruction with the state providing two-thirds of the reimbursement and the county in which the children reside providing the remainder.

History: En. 75-7815 by Sec. 433, Ch. 5, L. 1971; R.C.M. 1947, 75-7815.

20-7-443. Financial assistance for under-six-year-old special education class or program. Any district operating an approved special education class or program for children under the age of 6 years shall be eligible for financial

SCHOOL INSTRUCTION AND SPECIAL PROGRAMS

20-7-503

assistance in accordance with 20-7-431 and for transportation reimbursement under 20-7-442.

History: En. 75-7816 by Sec. 434, Ch. 5, L. 1971; amd. Sec. 2, Ch. 122, L. 1971; amd. Sec. 15, Ch. 539, L. 1977; R.C.M. 1947, 75-7816.

ATTACHMENT 6

MONTANA SPECIAL EDUCATION ADVISORY PANEL

March, 1979

SPECIAL EDUCATION
STATE ADVISORY PANEL

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SPECIAL EDUCATION
STATE ADVISORY PANEL
Page two

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SPECIAL EDUCATION
STATE ADVISORY PANEL
Page three

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Crow Agency, MT 59022

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The Confederated Salish & Kootenai
Tribes of the Flathead Agency
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Harlem, MT 59526

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Carden "Big Sky" School
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Sunshine Preschool & Day Care
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Toddle Town
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Billings, MT 59101

Neighborhood House Day Care
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Billings, MT 59101

The Gingerbread House
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Christian Home Mission
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First Methodist Child Development Center
4th & Broadway
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Billings Montessori School & Day Care Center
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Christopher Robin Pre-School
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Wee Care Day Care
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Billings Heights Day Care Center
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Play-Ed Day Care Center
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Children's World
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Rocky Mountain Development Council
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Little Y's Acres
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Riverview Day Care Center
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Human Growth Center
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Sunnyside Preschool & Child Care Center
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Browning Day Care Center
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Jack & Jill Day Care Center
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Conrad, MT 59425

Mother Goose Day Care Center
26th 7th Avenue SW
Cut Bank, MT 59427

Ann & Andy Preschool Day Care
802 West Main
Lewistown, MT 59457

Cozy Corner Day Care Center
524 South Black
Bozeman, MT 59715

World Family Center
120 E. Story
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First Run Child Care Center
General Delivery
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Mount Powell Day Care Center
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ABC Day Care Center
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Anny Conyard
Handicapped Children
MCH Bureau
Cogswell Bldg.
Helena, MT 59601

ATTACHMENT 8

PUBLIC HEARING COMMENTS/ACTIONS

REGARDING FY 79 APP - TO BE INCLUDED AT LATER DATE

371.9
P11a
1979
onne



OFFICE OF PUBLIC INSTRUCTION

STATE CAPITOL
HELENA, MONTANA 59601
(406) 449-3095

Georgia Rice
Superintendent

August 2, 1979

To: All persons receiving FY '79 APP

From: Paul W. Spoor, Manager Federal Programs
Special Education Unit *Paul*

Re: June 20, 1979 Hearing on FY '79 APP: Comments and Responses

Enclosed please find the comments received in writing and/or orally from persons participating in the June 20, 1979 hearing regarding the FY 1979 APP under EHA-Part B. Please include this document as Attachment #8 of Section Four of your copy of the 1979 APP.

PWS/vgv

Enclosures

STATE DOCUMENTS COLLECTION

AUG 7 1979

MONTANA STATE LIBRARY
930 E Lyndale Ave.
Helena, Montana 59601

HEARING ON EHA STATE PLAN FOR SPECIAL EDUCATION 6/20/79
PARTICIPANTS

<u>Name</u>	<u>Address/phone</u>	<u>Organization</u>
1. Sandra Kelley	905 4th Avenue West, Kalispell 755-5878	Parent
2. Larry Holmquist	P O Box 162, Belgrade 388-6508	Cooperative
3. Donald A. King	P O Box A, Clancy 933-5531	Clancy School #1
4. Rosemary B. Zion	DD/MAP, 1218 East 6th Ave, Helena	DD/MAP
5. Joyce Hynes	Box 520, Bozeman, MT	Bozeman Public Schools
6. Diane Thomas-Rupert	Box 520, Bozeman, MT	Bozeman Public Schools
7. Ellen Alweis	3024 Macona Lane, Blgs, MT 59102	State Advisory Panel Rep.
8. Joanne Lethold	2904 Mickey Wright Lane, Blgs, MT	Blgs. Assoc. for Children w/Learning Disabilities

COMMENTS:

Larry Holmquist: Cooperative Director

1. General content: change should be made in new/old dates and mandated ages,
2. Role of other agencies: BRS & H and other institutions in state are not providing appropriate education. State accredited standards should have O monitor and assign (authority) over said programs.
3. Correctional institutions are a very neglected area of monitoring.
4. IEP section does not adequately address adaptive PE services.

Rosemary Zion: DD Division/MAP

1. Additional state laws should be included in plan, specifically, Art. X, Section I. Constitution
2. Laws of Montana apply to handicapped as they do to non-handicapped should include 20-5-101 MAC. Anti-discrimination laws in Montana: Title 49, Chapter MAC
3. OPI has responsibility for LEA monitoring. The Rt. To Ed. policy statement should be more thoroughly addressed. The Responsibility and authority rests with OPI for all educational programs.
4. The Compliance Section needs to be developed.
What rights do complainants have if they disagree with OPI decision.
Other sanctions should be imposed other than withholding money.
OPI should issue accreditations withholdings, etc.
5. OPI responsibility to state institutions is lacking. Monitoring is inadequate. Role of agencies is too general. Letters are inadequate.
6. Child find efforts with delinquents and correctional facilities is inadequate. OPI should commit itself to LEA child find efforts to insure adequacy.
7. OPI should develop surrogate parent procedure; specifically in institutional personnel training seriously needed.
8. OPI should develop models for informal grievance procedure prior to formal hearing procedure.
9. OPI must insure surrogates and parents know of their rights.
10. OPI has responsibility of quality and effectiveness of programs.
11. Page 35 - priorities: more severely handicapped are to be served first.
12. SEA-Part B monies should include more toward technical assistance, compliance and inservice training.
SEA administration costs are not adequately outlined.
We oppose \$50,000 to intermediate facility for emotionally disturbed. More intensive foster care programs should be created.
13. Preschool timelines should be redeveloped.

Joyce Hynes: Director Bozeman President elect of CASE

1. Would like earlier involvement by CASE - prior to submission of plan to BE
A strong need for the revision of Rules and Regulations - local input is needed in this process.
2. Not enough involvement of Special Education Administration re: development of Plan.

Diane Thomas-Rupert: Special Education Bozeman-Assistant Director

1. Page 46 - Agency Roles need more clarification as to specifics and terminology.
2. Page 46 - Is the Health Dept. the principle agency for Child Find? What are LEA responsibilities? Page 55 - (a) is in conflict with federal regulations - need clarification on the Child Find effort.
3. Page 48-#3-OPI and school districts have responsibility for children 6-18; but what is a case manager? Needs clarification.
4. Institutions should be monitored by OPI. LEAs have not been included in placements in and out of institutions.

Sandra Kelley: Parent, Kalispell Parent Advocacy Organization

1. Object to County Superintendent as hearing officer.
2. Page 39 - Core CST: Secondary CST - replace the term "other" with "additional" - adopt a rule.
3. Page 56: IEP for High School student, (add) (d) Vocational Objectives.
4. Page 86: Resource Room - add joint CST meeting - IEP should be the same as the CST meeting.

Larry Holmquist: (additional comment)

5. Page 129, Federal Program #2: Voc-Ed should be coordinated with special education program. Coordination should also exist with Title IV.

Rosemary Zion: (additional comment)

14. Regional services are terminated. Cooperatives need direction from OPI in the development of service delivery.

Joanne Leuthold: Billings Association for Children with Learning Disabilities

1. Page 10 - Public Participation Activities. "Presubmission: not being followed." Please clarify what this means.
2. Attachment 4 - Due Process Proceedings, page 1105. Please clarify what paragraph g means when it speaks of "party holding the affirmative of the issue." Example would help clarify this.
3. Paragraph h speaks of expenses of hearings. Please clarify what this means as well.
4. We would also like to know what the qualifications are for hearing officers, as well as how they are selected. It is gratifying that our State appears to be moving toward compliance with PL 94-142 on this issue.
5. Our organization is committed to Preschool Services. Since learning disabilities can be difficult to diagnose at an early age, we are extremely interested in preschool screening and services for those children identified at risk. Does this concept fit anywhere within your grant?

Ellen Alweis: Parent, State Advisory Panel

1. I would suggest that inservice training detailing screening procedures would be extremely important to fulfill Goal 2, page 7 of the preschool grant. What would happen to those children that could not be identified as handicapped but could be considered at risk?
2. Page 11 of the Grant lists the duties of the specialist; yet nowhere in that list is screening mentioned. It would appear to me that screening must become a priority for the school age population in Montana.
3. Attachment 4 - Due Process Hearing. Page 1105, Montana Administrative Register, 8-7/28/78 paragraph g please explain "party holding the affirmative of the issue"; paragraph h "the expense of the hearing shall be borne in the same manner. . ." Please explain what this means in simple language.

4. Are hearing officers paid? What are the qualifications for hearing officers? What specific training do they receive and how are they selected? I would suggest that the entire process as it takes place in Montana be spelled out

STATE EDUCATION AGENCY RESPONSE AND/OR ACTION

Larry Holmquist

1. The State Plan now includes a copy of pertinent sections of HB 624 which revises 20-7-411 of state statute with regard to mandated school ages, i.e., page 15a of APP.
2. The State Education Agency is responsible under PL 94-142 for the monitoring of educational programs in state operated programs (SOP). During school year 1979-80 the State Education Agency will be monitoring SOPs and has been assured the cooperation of other state agencies for such on-site visitations. The PL 89-313 program shall become a responsibility of the special education unit in the 1979-80 school year. Therefore, monitoring activities will include those funds.
3. State Education Agency monitoring activities will include correctional facilities.
4. While adaptive Physical Education is not specifically mentioned on pages 56-67, it is not excluded and is certainly to be considered for any handicapped child in order that the unique needs of the child be met in the area of physical education. Physical Education is to be provided to all children. Handicapped children, when required, should receive adapted services in order that they benefit from physical education. Adaptive physical education is a direct educational service and is considered as "Services provided..." as outlined on page 56 of the APP.
5. Special education is coordinating efforts with Title IV, Vo-Ed and 89-313. Special education unit is reviewing and assisting in approval of Title IV projects. We agree with needs of Vo-Ed.

Rosemary Zion

1. Article X, Section I of the Montana Constitution is a part of the State Plan. It is included as Appendix A of the Montana Special Education Rules and Regulations, which is Attachment 1 of the State Plan.
2. The State Education Agency agrees with testimony made relative to incorporation of existing laws in the State Plan, specifically S20-5-101 and Title 49, chapters 2 and 3, of the Montana Code Annotated, but due to the limitations of time, the State Education Agency chooses not to include the above citations in FY 1979 plan. However, the FY 1980 plan shall include the documents.
3. The 1979 APP addresses specific State Education Agency responsibilities with regard to all educational programs. Please refer to page 121, Section XVI. Additional Requirements. Also the on-site monitoring responsibility of State Education Agency is outlined on pages 126-128.
4. The State Education Agency procedure for compliance violation does meet the intent of Section 121a.602 of the Federal Regulations in terms of reviewing, investigating and acting on any allegations of substance of actions taken by any public agency that are contrary to the requirements of PL 94-142.
5. The Office of Public Instruction responsibility to insure "for the quality and equality of education offered to children living in state institutions" is recognized and outlined in the State Plan on pages 14, 24 and 126 and is fulfilled through stated monitoring procedures which address all public agencies serving handicapped children. The Roles and Responsibilities for State Agencies serving handicapped children (HJR72) is included on pages 42-53 of the State

Plan to further delineate those obligations of state agencies serving children with special education needs. Concurrence is made, however, in that further development and specificity is needed in this area and will be included in the FY 1980 State Plan. At present an ad hoc committee has been created by the Office of Public Instruction to coordinate procedures and develop services to children coming out of state institutions. Members of this committee include Office of Public Instruction, Social Rehabilitative Services, DDD and the Department of Institutions.

6. The State Education Agency is planning and will implement in the fall of 1979, an intense child identification effort throughout the state. Please see pages 54-55 of APP. Other state agencies, including correctional facilities, are involved in this process. Additionally, current efforts are underway by the Office of Public Instruction to provide inservice training and technical assistance to LEA personnel and the private sector in the areas of screening assessment and child identification. Further, requirements for the receipt by LEAs of their FY 1979 entitlement monies under Part include the assurance and description by LEAs of their child identification efforts.
7. A general method is in place, as outlined on pages 78 and 79 of the State Plan for determining whether a child needs a surrogate parent as well as criteria for selection of surrogates, nonemployee requirements and responsibilities of persons acting as surrogates. While the methods and procedures concerning surrogate parents comply with federal law, it is recognized that further development and refinement of this area would be advantageous. It is with this purpose in mind the Office of Public Instruction has secured services of a legal intern to expedite this objective.

Additionally, parents, surrogate parents and legal guardians are assured their rights on pages 68-81 under VII, Procedural Safeguards. This section specifies LEA responsibility regarding informing parents, etc. of their rights under PL 94-142. The Office of Public Instruction ensures that LEAs are meeting this mandate through program monitoring and review.

8. While the provisions for an informal grievance procedure can be found on page 79 and within Section Four, Attachment 1, 48-2.18(14)-S18210 of the Montana Special Education Rules and Regulations, and also Section Four, Attachment 4, 48-2.18(42)-P18750, of the State Plan, the citations provide for procedures and time lines for the LEA to implement an informal grievance mechanism. Model grievance procedure should be developed at the State level and shall be in the near future with the assistance of DD/MAP.
9. Parents are assured their rights by LEAs. The Office of Public Instruction assures that LEAs are informing parents by the on-site monitoring visitations Part B application "sign-offs," and technical assistance and inservice training. Additionally, the school year 1979-80 State Child Find Campaign includes a booklet series informing parents of their rights.
10. The Office of Public Instruction recognizes its responsibility for insuring the implementation of PL 94-142.
11. The policy on priorities outlined on page 35 has been rewritten.
12. Technical assistance and inservice training have been afforded \$50,000 for FY 79. Please see page 36. This is almost 1/3 of the total grant for state use. State level administration costs are outlined in detail on page 36 and on pages 131-133 of APP. Part B monies may not be used to fund "foster care"

placements. An intermediate treatment facility for emotionally disturbed youth is in great need in Montana. Presently many children who could be served by such a facility are placed in private facilities and many such placements are out-of-state. Certainly the requirements of least restrictive environment dictates an effort to bring these children closer to home. For further information on the details of the proposed facility contact Dr. Peter Blouke, Department of Institutions or Dr. Dal Curry, Office of Public Instructions.

13. Preschool timelines are estimates only.
14. The Office of Public Instruction has assisted in the development of "coops" for school year 1979-80. Standards for "coops" in the development of service delivery are the same as for any special education LEA program. Office of Public Instruction staff are available to assist in organizing service patterns.

Joyce Hynes: CASE (President elect)

1. Page 10 of the APP, pursuant to BEH policy, outlines the postsubmission procedure. The presubmission procedure shall be followed for FY 1980.
2. The Hearing procedure on the State Plan is in compliance with federal regulations. Parents, administrators, teachers, and other interested persons or groups have equal status for input at said hearings.
3. Any change in State Regulations must emanate from the State level. However, this does not preclude formal suggestion from persons or groups throughout the state for specific rule changes. Under Section 2-4-315, MCA an interested person may petition an agency requesting the promulgation, amendment, or repeal of a rule. An interested person may utilize the sample provision printed in Section 1-1.6(2) - P660, ARM.

Diane Thomas-Rupert: BOZEMAN SPECIAL EDUCATION

1. The interagency committee which outlined the general responsibilities of the various agencies is to continue its efforts to further specify those responsibilities.
2. The responsibilities of the Office of Public Instruction and LEAs for identifying, locating and evaluating handicapped children 0-21 is not relieved by the interagency agreement. The specifics and viability of the interagency agreement are yet to be realized.
3. The definitions of "case manager" and the responsibilities of LEAs in the interagency agreement are yet to be determined.
4. State operated programs are monitored by the Office of Public Instruction and must comply with PL 94-142, PL 89-313 and appropriate state rules and regulations. Currently an interagency committee, created by the Office of Public Instruction is developing procedures for children leaving and going into state operated programs.

Sandra Kelley - Parent: KALISPELL ADVOCACY PROJECT

1. Attachment 4 of Section Four of the 1979 APP, Section 48-218(42)-P18770, number 2 and 5 address the automatic disqualification of any hearing officer who is employed by a public agency responsible for the education or care of a child. Also HB532 provides for the disqualification of a county Superintendent in matters of controversy when "he is a party to or has an interest in the controversy.

2. The Office of Public Instruction anticipates revision in the near future of several portions of the Montana Regulations for Special Education. This section shall be considered.
3. Again, this section would involve the adoption or revision of a regulation.
4. This involves the adoption or revision of a State Regulation and shall be considered in future rule changes. Page 56 of APP under DEVELOPMENT OF IEP, paragraph 2 requires parent involvement in the development of IEP.

Joanne Leuthold

1. In response to written testimony inquiring as to the meaning of "Presubmission not being followed" found on page 10 of the State Plan, the State Education Agency has two options. The first of which is to conduct a public hearing on the annual plan prior to submission to BEH. The other alternative is to submit the plan to BEH first, then conduct a public hearing and send the results to BEH. The Office of Public Instruction has elected to adhere to Post submission guidelines for FY 79 and to move to Presubmission guidelines for FY 80.
2. Written testimony was taken asking for clarification of paragraph g, on page 1105 of Attachment 4, "party holding the affirmative of the issue." This is interpreted to mean the party which initiates the hearing process must produce the evidence to prove their case (burden of proof).
3. Pursuant to 1979 legislative action amending financial responsibilities as they pertain to school controversies (HB 532) the expense of the hearing shall be paid from the general fund budget of the county in which the controversy is initiated. A copy of this bill will be attached to the FY 80 State Plan.
4. To be an Impartial Hearing Officer an individual must first be a county superintendent and second must have completed Impartial Hearing Officer training as conducted by the Office of Public Instruction. County Superintendents shall preside over all controversies arising within their county, unless disqualified under HB 532.
5. Preschool screening is addressed within the Preschool Incentive Grant, page 55 and also on page 55 of the State Plan.

Ellen Alweis

1. The Office of Public Instruction is conducting child find workshops which cover preschool screening during the summer and fall of 1979 as part of Goal 2, page 55 of the Preschool Incentive Grant within the State Plan.

Under PL 94-142 and Montana Special Education Rules and Regulations there are provisions for serving children at risk. To be eligible for special education services a child must be identified as handicapped as defined by federal rules and regulations.

2. As coordinator for the preschool handicap effort within Montana the early childhood specialist has responsibility for all activities outlined in the Preschool Incentive Grant. This includes those activities listed under Goal 2 dealing with identifying, locating and evaluating all handicapped children between birth and 6 years of age.
3. See number 2 and 3 under Joanne Leuthold.
4. County superintendents will act as hearing officers and will receive no pay other than that which they receive as county superintendents. Please see number 4 under Joanne Leuthold.

ATTACHMENT 9

FY 1978 LEA ENTITLEMENTS

EHA, PART B

LEA EHA - B FLOW-THROUGH ENTITLEMENTS FOR FY'78

COUNTY	CHILD COUNTS		AVERAGE	%	ENTITLEMENT
	OCT.	FEB.			
Beaverhead					
10	49	55	52	.49	1,837
12	8	43	26	.25	918
Bighorn					
2	13	14	14	.13	494
17	85	140	113	1.08	3,993
27	7	11	9	.09	318
29	4	13	9	.09	318
1	16	21	19	.13	671
2	8	9	9	.09	318
Blaine					
10	50	50	50	.48	1,766
10	11	13	12	.12	424
12	73	57	65	.62	2,296
12	6	6	6	.06	212
43	7	6	7	.07	247
50	13	12	13	.12	459
Broadwater					
7	50	60	55	.52	1,943
Carbon					
1	13	26	20	.25	918
1	10	9	10	.10	353
2	13	46	30	.29	1,060
2	7	8	8	.08	282
7	8	8	8	.08	282
23	12	12	12	.12	424
34	17	17	17	.16	600
Cascade					
1	543	913	728	7.0	25,724
1	249	437	343	3.3	12,120
3	35	49	42	.40	1,484
5	9	9	9	.09	318
29	8	12	10	.10	353
6	49	45	47	.45	1,660
6	2	4	3	.03	106
85	5	3	4	.04	141
97	4	4	4	.04	141
Chouteau					
1	23	39	31	.30	1,095
1	7	10	9	.09	318
11	26	26	26	.25	918
28	22	19	21	.20	742
44	6	6	12	.12	424
Custer					
1	71	110	91	.87	3,215
1	33	37	35	.34	1,236
Daniels					
1	4	10	7	.07	247
2	7	7	7	.07	247

COUNTY	CHILD COUNTS		AVERAGE	%	ENT. LEMENT
	OCT.	FEB.			
Dawson					
1	138	150	144	1.38	5,088
1	31	28	30	.28	1,060
78J	5	6	6	.06	212
Deer Lodge					
10	130	145	138	1.33	4,876
10	28	29	29	.28	1,024
Faillon					
12	19	60	40	.38	1,413
12	1	4	3	.03	106
55	9	7	8	.08	282
Fergus					
1	47	153	100	.96	3,533
1	19	16	18	.17	636
44	6	6	16	.15	565
74	8	8	8	.08	282
84	8	9	9	.09	318
115	5	6	6	.06	212
Flathead					
2	0	8	4	.04	141
5	71	174	123	1.18	4,346
5	92	150	121	1.20	4,275
6	81	85	83	.80	2,932
6	34	41	38	.37	1,342
15	6	7	7	.07	247
29	8	47	28	.27	989
30	4	4	4	.04	141
38	12	14	13	.12	459
38	12	13	13	.12	459
44	89	91	90	.87	3,180
44	29	27	28	.27	989
50	57	80	67	.64	2,367
1	27	42	35	.34	1,236
Gallatin					
3	28	20	24	.23	848
7	139	214	177	1.70	6,254
7	67	72	70	.67	2,473
J24	40	47	44	.42	1,554
27	10	12	11	.11	388
44	30	48	36	.35	1,272
44	18	25	22	.21	777
69	20	40	30	.29	1,060
Garfield					
1	3	3	3	.03	106
Co.	2	2	2	.02	70
Glacier					
9	130	181	156	1.50	5,512
9	23	34	29	.28	1,024
15	44	49	47	.45	1,660
15	6	7	7	.07	247

COUNTY	CHILD COUNTS		AVERAGE	%	ENTITLEMENT
	OCT.	FEB.			
Golden Valley					
6	2	2	2	.02	70
Granite					
1	7	11	9	.09	318
1	19	38	29	.28	1,024
4	24	0	12	.12	424
Hill					
13	11	10	11	.11	363
16	152	139	146	1.40	5,159
16	84	95	90	.87	3,180
24	27	23	25	.24	823
26	17	15	16	.15	566
57	8	8	8	.08	282
87	13	5	9	.09	318
88	9	9	9	.09	318
Jefferson					
4	24	21	23	.22	812
2	15	23	19	.18	671
5	29	31	30	.29	1,060
Judith Basin					
12	3	3	3	.03	106
25	26	20	23	.22	808
Lake					
8	5	11	8	.08	282
22	4	3	4	.04	141
23	59	51	55	.51	1,843
28	18	18	18	.17	636
28	11	12	12	.12	424
30	90	86	88	.85	3,109
30	26	27	27	.26	954
7	53	52	53	.51	1,872
7	9	24	17	.16	600
Lewis & Clark					
1	273	387	330	3.17	11,661
1	119	158	139	1.34	4,911
2	9	10	10	.10	353
3	8	48	28	.27	989
9	6	10	8	.08	282
38	8	8	8	.08	282
Liberty					
29	5	9	7	.07	247
33	28	35	32	.31	1,130
Lincoln					
1	26	37	32	.31	1,130
1	6	10	8	.08	282
4	134	203	169	1.62	5,971
4	34	37	36	.35	1,272
13	13	16	15	.14	530
Co.	37	46	42	.40	1,484
13	12	13	13	.12	424

COUNTY	OCT.	FEB.	AVERAGE	%	ENTITLEMENT
Madison					
7	35	49			
23	4	8	42	.40	1,484
52	23	36	6	.06	212
			30	.29	1,060
McCone					
1	8	13	11	.11	388
1	4	8	6	.06	212
Maagher					
8	0	11	6	.06	212
Mineral					
J2	44	49			
3	18	19	47	.45	1,660
6	6	6	19	.18	671
			6	.06	212
Missoula					
1	248	426			
Co.	148	180	337	3.24	11,908
4	39	43	164	1.58	5,795
7	18	23	41	.39	1,448
14	16	42	21	.20	742
18	7	11	29	.28	1,024
23	18	33	9	.09	318
30	8	10	27	.26	954
32	6	12	9	.09	318
34	30	36	9	.09	313
40	29	38	33	.32	1,166
			34	.33	1,201
Musselshell					
9	0	8	4	.04	141
55	39	39	39	.37	1,373
55H	15	15	15	.14	530
64H	8	18	13	.12	459
Park					
4	70	95			
1	33	73	83	.80	2,932
7	4	4	53	.51	1,872
41	1	3	4	.04	141
J55338	2	2	2	.02	70
			2	.02	70
Phillips					
14	21	20			
20AA	4	4	21	.20	742
12	4	4	4	.04	141
			4	.04	141
Pondera					
1	7	12			
10	73	92	10	.10	653
10	3	6	83	.80	2,932
18	6	11	5	.05	176
			9	.09	318
Powder River					
79J	12	10	11	.11	388
Powell					
1	76	96	86	.83	3,038
Co.	13	17	15	.14	530

COUNTY	CHILD COUNTS		AVERAGE	%	ENTITLEMENT
	OCT.	FEB.			
Prairie					
5	11	12	12	.12	424
Ravalli					
1	7	11	9	.09	313
1	5	5	5	.05	176
2	60	62	61	.59	2,155
2	12	15	14	.13	494
3	40	59	50	.48	1,766
3	47	46	47	.45	1,660
7	44	53	49	.47	1,731
9	18	21	20	.19	706
9	6	9	8	.08	282
15-6	30	35	33	.32	1,166
Richland					
5	33	37	35	.34	1,236
5	15	16	16	.15	565
7	6	10	8	.08	282
13	16	16	16	.15	565
3	5	5	5	.05	176
86	6	9	8	.08	282
Roosevelt					
9	25	39	32	.31	1,130
9	9	6	8	.08	282
17	10	18	14	.13	494
45	14	26	20	.19	706
45	7	11	9	.09	313
55	28	36	32	.31	1,130
64	4	4	4	.04	141
Rosebud					
4	35	46	41	.39	1,448
4	15	32	24	.23	848
6	36	35	36	.35	1,272
12	4	5	5	.05	176
19	45	34	40	.38	1,413
19	1	2	2	.02	70
32J	23	20	22	.21	777
Sanders					
1	20	30	25	.24	883
2	61	43	52	.50	1,837
3	-	3	-	.03	247
10	9	17	13	.12	459
14	1	6	4	.04	141
14	0	7	4	.04	141
Sheridan					
7	9	10	10	.10	353
19	0	3	2	.02	70
20	12	13	13	.12	459
27	5	5	5	.05	176
Silver Bow					
1	327	538	433	4.16	15,300
3	5	5	5	.05	176

COUNTY	CHILD COUNTS		AVERAGE	%	ENTITLEMENT
	OCT.	FEB.			
Stillwater					
5	9	12	11	.11	388
5	0	6	3	.03	106
5	0	12	6	.06	212
5	0	12	6	.06	212
6	87	77	82	.79	2,897
32	8	10	9	.09	318
52C	8	9	9	.09	318
Sweetgrass					
1	27	41	34	.33	1,201
Co.	8	13	11	.11	388
Teton					
1	37	45	41	.39	1,448
1	9	9	9	.09	318
1	9	9	9	.09	318
21	28	27	28	.27	988
28	4	6	6	.06	212
30	6	8	7	.07	247
75	2	2	2	.02	70
Toole					
2	12	12	12	.12	424
14	48	63	56	.54	1,978
14	12	10	11	.11	388
Treasure					
7	20	21	21	.20	742
Valley					
1	59	67	63	.61	2,226
1A	21	25	23	.22	812
2	6	6	6	.06	212
7A	3	2	3	.03	106
9	4	4	4	.04	141
13	6	50	28	.27	989
13E	6	8	7	.07	247
Wheatland					
16	34	39	37	.36	1,307
21J	3	2	3	.03	106
Wibaux					
6	6	9	8	.08	282
Yellowstone					
2	796	1048	922	8.86	32,580
2	325	333	329	3.16	11,625
26	36	57	47	.45	1,660
4	8	15	12	.12	424
7	67	71	69	.66	2,438
7	13	22	18	.17	636
21J	45	44	45	.43	1,590
24	38	55	47	.45	1,660
37	27	30	29	.28	1,024
37	18	17	18	.17	636
41	10	12	11	.11	388
58	41	54	48	.46	1,696

ATTACHMENT 10

MONTANA ACCREDITATION STANDARDS 161 and 162

160. STUDENT RECORDS

161. Each school shall keep a permanent file of student records which shall include the name and address of the student, parent or guardian, birth date, academic work completed, level of achievement (grades, standardized achievement tests) and attendance data of the student. Student records shall be kept in a fireproof file or vault in the school building or, for rural schools, in the county superintendent's office. All new or remodeled buildings shall be equipped with at least a Class "C" fireproof vault.

Each school district shall establish policies and procedures for the use of information stored in the permanent file which is in compliance with state and federal laws that assure an individual's privacy is respected.

162. A copy of the permanent record shall be forwarded upon request of an appropriate school official. Permanent records become inactive when a student is no longer enrolled. All inactive permanent records from a school that closes shall be sent to the county superintendent or the appropriate county official. Additional records and/or information may be transferred in accordance with school district policy which complies with state and federal laws that assure an individual's privacy is respected. School districts also shall establish policies and procedures which govern the period of time inactive student records other than permanent records need be retained.

ATTACHMENT 11

COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT

1. Montana Special Education Advisory Panel
2. Committee on Cooperative Manpower Planning: Education of the Handicapped
3. Consortium on Higher Education/Special Education
4. Montana University Affiliated Program Satellite Policy Board
5. Montana Office of Public Instruction
Inservice Training Project for Personnel
Serving Handicapped Children
6. Standards for State Approval of Teacher Education Programs

STATE SPECIAL EDUCATION ADVISORY PANEL
SUBCOMMITTEES

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COOPERATIVE MANPOWER PLANNING
AD HOC COMMITTEE MEETING
OFFICE OF PUBLIC INSTRUCTION CONFERENCE ROOM
HELENA, MONTANA
MARCH 23, 1979

AD HOC COMMITTEE MEMBERS

Dennis Schulz	Bob Crow
W. L. Findley	Ron Lukenbill
Ken Kohl	

The Ad Hoc Committee met on March 23, 1979 to draft an initial document which defines the purpose and function of a Cooperative Manpower Planning Council. This will be presented to the full committee for consideration at the April 10, 1979 meeting. The results of the Ad Hoc Committee's activities are as follows:

Ad Hoc Committee Recommendations

I. Name of Committee

Committee on Cooperative Manpower Planning:
Education of the Handicapped

II. Purpose of Committee

1. The primary objective for the committee is to develop a cooperative intrastate plan to facilitate the preparation of personnel to meet the needs of handicapped children and youth.
2. A plan will establish a systematic flow of communication among the various agencies to insure that the priorities for preparing personnel are consistent with consumer needs.
3. The state plan will require the cooperation of The Office of Public Instruction, Institutions of Higher Education, Educational Cooperatives, Professional Organizations, Community Agencies, Parent Organizations, Local Schools and any other agencies providing services to the handicapped.

III. Functions of the Committee

1. Establish the policies of the committee and adopt procedures necessary for the attainment of its purposes.
2. Develop a written State Plan that includes the following components:
 - a. Organization of the Committee
 - (1) Rules and Regulations
 - (2) Committees and non-member task forces
 - b. Identification of Personnel and Resources
 - (1) Manpower by geographical area
 - (2) Training programs
 - (3) Consumers

COOPERATIVE MANPOWER PLANNING

MARCH 23, 1979

-2-

- c. Management system
 - (1) Manpower needs
 - (2) Delivery system
 - d. Standards and Guidelines
 - (1) Program approval
 - (2) Program review
 - e. Dissemination system
 - (1) Media and materials
 - (2) Model programs
 - f. Evaluation of State Plan
- 3. Provide a medium for facilitating communication among agencies, institutions, organizations and professions on Manpower data for handicapped children and youth.
 - 4. Facilitate the collection of data necessary to meet the objectives of the Montana Comprehensive System of personnel development.
 - 5. Identify problem areas in regard to the implementation, evaluation and dissemination of the plan.
 - 6. Act on recommendations presented by Ad Hoc Committees.
 - 7. Review and evaluate progress toward meeting objectives.
 - 8. Make periodic reports to the Montana Special Education Advisory Panel.

IV. Representation of Committee

- 1. Office of Public Instruction/Special Education Unit
- 2. Institutions of Higher Education
- 3. Local School Districts
- 4. Department of Social and Rehabilitative Services/
Division of Developmental Disabilities
- 5. Department of Institutions/Manpower Development Project
- 6. Department of Health and Environmental Sciences/MCH
- 7. Consortium of Higher Education/Special Education
- 8. Montana University Affiliated Program Satellite
- 9. Montana Special Education Advisory Panel/Training Committee
- 10. Montana Advocacy Project
- 11. Council for Exceptional Children
- 12. Council of Administrators of Special Education
- 13. Parents of Handicapped Individuals
- 14.

V. Organization of Committee

OVER-All PLANNING COMMITTEE	- - (20-30 people)
STEERING COMMITTEE	- - (7-10 people)
TASK FORCES	- - (Six)

COOPERATIVE MANPOWER PLANNING
MARCH 23, 1979
-3-

Task Forces

1. Needs assessment and evaluation
2. Resources: Human and Fiscal
3. Certification
 - a. Special Education Personnel
 - b. Regular Education Personnel
 - c. Support and related services personnel
4. Staff development
5. Delivery systems: Inservice and Preservice
6. Legislation

Officers of Committee

Chairperson
Vice Chairperson
Task Force Leaders
Recorder

VI. Goal identification for the Committee in order to develop
a Comprehensive System of Personnel Development (CSPD)

1. To organize the Committee to address the three
components of CSPD
 - a. Inservice training
 - b. Preservice training
 - c. Dissemination
2. To discuss the three components

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EDUCATION OF THE HANDICAPPED

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EDUCATION OF THE HANDICAPPED

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EDUCATION OF THE HANDICAPPED

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EDUCATION OF THE HANDICAPPED

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Montana Special Education
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MUAPS Policy Board

Role and Function

The Montana University Affiliated Program Satellite for Developmental Disabilities (MUAPS) is a program which will facilitate the provision of appropriate treatment services for DD-clients by the accomplishment of activities of service development, personnel preparation, technical assistance and resource development. In order to effectively and efficiently move toward program goals and to transmit and act upon information in the several systems in which the UAPS is involved, a Policy Board will operate as a communication forum. The Policy Board will also serve review, support and approval functions for the program. The membership of the board is intended to make it representative of:

a) service providers, b) higher education, and c) state resources affected by or capable of supporting UAPS programs. Board members will be appointed by the Commissioner of Higher Education and membership may be adjusted as the needs of the DD service system and the MUAPS are clarified or changed.

I. Membership of the Policy Board will initially include representatives from the following organizations:

1. Director, MUAPS
2. Social and Rehabilitation Services
3. Department of Institutions
4. Office of the Superintendent of Public Instruction
5. Developmental Disabilities Planning and Advisory Council
6. Developmental Disabilities/Montana Advocacy Program
7. Association of Independent Disabilities Services
8. Eastern Montana College
9. Montana State University
10. University of Montana

II. Responsibilities of the MUAPS Policy Board will center on accomplishing review, approval, communication and support functions. More specific responsibilities and activities are described below.

A. Review of the MUAPS as a whole will be done by the Board in order to advise the Director regarding the answers to questions like: What should the MUAPS do in the future? What constitutes the DD system? What resources should be used by the MUAPS in pursuing goals for the system? Other review activities include:

1. Review program priorities and strategies
2. Review and advise regarding problems of operation or direction
3. Review accumulated measures of success

B. Approval of the Policy Board will be sought regarding:

1. Approval of decisions about the goals and objectives of the MUAPS.
2. Approval of major operational decisions developed by the Director.

C. Communication is a function of the Policy Board which is of vital concern. Board members may be expected to:

1. Communicate to their respective organizations regarding MUAPS activities, goals and needs for support.
2. Communicate accumulated input to the Director and the Policy Board to maintain the program's sensitivity to the needs of the DD service system.

D. Support of program developments and activities may take the form of:

1. Identify and assist in attracting financial and personnel resources appropriate and sufficient for implementing MUAPS programs to meet DD service system needs.
2. Act to enhance the political and functional viability of the MUAPS by providing information or other forms of accurate input to state agencies, DD providers and other interested parties.
3. Assist in the completion of problem-solving strategies regarding administrative, program, financial or political issues impacting on the MUAPS.

4. Review and assist in the recognition of individual staff and program effectiveness.

III. Meetings will take place with a frequency determined as adequate by action of the Policy Board but will be at least quarterly. Expenses for travel, per diem and other meeting costs will be provided by the individual board members or their agencies and may be identified as in-kind match for grant application purposes. The Chairman of the board will be elected on an annual basis by majority vote of the board. The Executive Secretary will call for elections and otherwise prepare agenda for meetings. The secretary will not participate in voting but will otherwise act as a fully active member of the board.

MONTANA UAPS
MISSION AND GOALS

Mission Statement

The Montana University Affiliated Program Satellite will support and enhance the state's service delivery system for the developmentally disabled and work to advance the capabilities of that system through the accomplishment of programs of exemplary service, personnel preparation and resource development.

Goals

1. The UAPS will cause the development of exemplary service programs for each age category of client within a "life-long" continuum of services for the developmentally disabled.
2. Dissemination and personnel preparation activities will be established by the UAPS in order to build the extend and quality of service capabilities across the state.
3. Resource development will be accomplished by the UAPS in order to maintain an information-base adequate to meet needs for technical support of treatment methods and systems.
4. The UAPS will act to facilitate communication and coordination actions necessary and sufficient to establish and maintain an appropriate, adequate and responsive service delivery system for Montana.

Montana UAPS Policy Board

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April 1979

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BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the adoption of) a rule outlining standards for) state approval of teacher educa-) tion programs leading to inter-) state reciprocity of teacher) certification)	NOTICE OF PUBLIC HEARING FOR ADOPTION OF A RULE outlining standards for state approval of teacher education programs leading to interstate reci- procity of teacher certifica- tion.
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1. On January 20, 1979, at 1:00 p.m., a public hearing will be held in the Regents' Conference Room at 33 South Last Chance Gulch, Helena, Montana, to consider the adoption of a rule outlining standards for state approval of teacher education programs leading to interstate reciprocity of teacher certification.

2. The rule in a different form was noticed in the August 24 Administrative Register #10 on pages 1248-1301 and a hearing was held on October 5, 1978. On the basis of comments received, the Board determined that the rule should be substantially modified and renoticed, thereby beginning anew the rule-making procedure in this matter. This action is taken to provide an opportunity for all interested parties to comment on the proposed rule which follows.

3. The proposed rule does not replace or modify any section currently found in the Montana Administrative Code.

4. The proposed rule provides as follows:

CHAPTER 12 - STANDARDS FOR STATE APPROVAL OF TEACHER EDUCATION
PROGRAMS LEADING TO INTERSTATE RECIPROCITY OF TEACHER CERTIFICATION

Subchapter 1 - STATE ADMINISTRATIVE PROCEDURAL STANDARDS

48-2.12(1)-S1200 Advisory Group (1) The Board of Public Education shall appoint an advisory group to be known as the Certification Review Panel, to provide a continuing review of programs and implementation of the standards for state approval of teacher education programs leading to interstate reciprocity of teacher certification. Membership shall include professionals from all levels of education and other citizens concerned with teacher education.

48-2.12(1)-S1210 Process Leading to Approval of Teacher Education Programs (1) The process leading to the approval of teacher education programs shall be carried out by visiting teams appointed by the Board of Public Education. These teams shall be broadly representative of the educational community.

48-2.12(1)-S1220 Visitation (1) All teacher education programs shall be visited for approval at least every five years or upon request of a college.

(2) The Board of Public Education shall adopt clearly stated procedures for implementing the process of teacher education certification approval.

(2)

(3) Joint visitations and cooperation with other accrediting agencies will be encouraged. (Proposed addition by Irv Dayton: Institutions accredited by the National Association for the Accreditation of Teacher Education shall be deemed to have satisfied those standards which are substantially equivalent to NCATE standards, as identified in Board procedures.)

48-2.12(1)-S1230 Approved Programs (1) The Office of Public Instruction shall issue lists of institutions with programs approved by the Board of Public Education as meeting these standards for teacher education. Such lists shall also include, pursuant to Section 20-4-121 MCA, all programs accredited by regional and national accreditation agencies, with an identification of the accreditation agency; this information will be provided to the Office of Public Instruction by each college no later than December 1 of each year. Lists shall indicate the programs approved and the initial and expiration dates of such approval. Provisions shall be made to provide these lists to institutions, school personnel offices, counselors and others within the state upon request and to exchange lists with education agencies in other states.

48-2.12(1)-S1240 Optional Compliance (1) These standards shall be optional for Montana colleges, but only those colleges adopting the standards will be reported to other states as satisfying the requirements of the Interstate Certification Compact, Section 20-4-121, MCA, and Board of Public Education policy.

Subchapter 2 - ORGANIZATION AND ADMINISTRATION OF TEACHER EDUCATION

48-2.12(2)-S1250 Purposes and Objectives (1) The catalogue of an institution shall include:

- (a) each certification program offered;
- (b) the grade span for which state approval has been granted;
- (c) clearly defined statements of objectives;
- (d) the level at which programs are offered (basic and advanced); and
- (e) the graduate programs offered for the preparation of specifically named school services personnel.

(2) Teacher preparation programs shall consider the judgment of:

- (a) members of the faculty;
- (b) students;
- (c) graduates;
- (d) lay citizens;
- (e) schools; and
- (f) the professional educational organizations.

48-2.12(2)-S1260 Organization (1) Out-of-state institutions offering teacher training programs in Montana shall meet equivalent criteria to Montana institutions:

- (a) the control of the institution shall reside in a board of trustees or an otherwise designated board. The functions of the board shall be that of assuring institution philosophies and policies which will result in the best possible services to the students and the faculty and will ensure a sound educational program.

(i) In the discharge of its functions, there shall be clear evidence in the records of the board's deliberations that it recognizes and fulfills its responsibility to teacher education.

(ii) Terms of office shall be arranged to provide desirable continuity within the board membership.

(b) Under the direction of a president or an otherwise designated chief administrative officer, adequate provision shall be made for the performance of all administrative functions affecting teacher education by personnel competent in their respective assignments.

(i) An organizational chart of the institution shall be available, and evidence shall be provided to support the suitability of the organization for teacher education, the competency of the personnel, and the manner in which functions are performed.

(ii) Written policies shall be provided pertaining to salary schedules, rank, tenure, group insurance, sabbatical leave, sick leave, retirement allowances, funding of inservice development of faculty, and service by the faculty in professional development on a state, regional or national basis.

(iii) Written information outlining applicable administrative policies shall be provided for administrators and faculty members. Such information shall include the functions of the board of control, the faculty and the administrative staff officers with particular reference to teacher education.

(c) Financial resources for the accomplishment of announced purposes must be available, and current income for both public and private institutions must be such as to enable an institution to carry on its proposed work. In determining the financial condition of an institutions, emphasis shall be given to the income available for teacher education purposes and the manner in which that income is expended.

(i) The institution shall operate on a budget prepared in accordance with sound financial and educational practice and shall issue an annual financial statement giving a clear and accurate picture of its financial status. The financial statement shall be audited by a qualified outside agency.

(ii) The institution shall provide financial reports that clearly reveal the relative amounts expended for instruction, administration, maintenance, equipment, supplies, library, student activities, capital outlay and debt service for the teacher education program as compared to other programs of the institution.

(iii) The financial records shall be kept in such a form that the economic status of the institution may be readily determined.

(d) Institutions which offer extended services, such as summer sessions, evening and weekend programs, off-campus extension or correspondence classes, survey and consultant services, shall provide the needed resources to conduct such services. Information shall be provided indicating the administrative and operational provisions established to assure the quality of such special services. This information shall indicate the extent to which these special services complement and/or relate to the regular program.

48-2.12(2)-S1270 Student Admission, Retention, Exit and Follow-up Policies and Practices (1) Provision shall be made within the institution for orderly methods of obtaining and maintaining information relative to candidates applying for admission to teacher education.

(2) Specific admissions standards and procedures shall be published (including the time and, if possible, alternative times for admission) and shall govern a student's acceptance into the institution's regular teacher preparation program. For experimental or special programs, specific admissions requirements shall be indicated in the description of these programs.

(3) The institution shall have a well-developed plan for the evaluation of the performance of students while enrolled in its teacher education programs. Measures of academic ability, observation by faculty (in courses, laboratories, and field experiences), and other modes of appraisal shall be utilized to assess specific strengths and weaknesses of students, their retention status within the teacher education program, and their readiness to assume the professional role for which they are being prepared.

(4) An institution shall have well-defined evaluation procedures to assess the quality of its graduates upon their completion of pre-service programs and application for a recommendation to become certificated. Increased human sensitivity including multi-cultural awareness, specified levels of competence in teaching skills and related knowledge (including competence in teaching reading skills in each specific content area), and other pre-determined qualifications must be demonstrated, as a basis for an institutional recommendation for entry into the profession. Students shall be apprised of such evaluation procedures and qualifications.

(5) The institution shall conduct periodic follow-up surveys of its graduates in teacher education in order to gather data pertaining to the effectiveness of its student personnel services.

48-2.12(2)-S1280 Student Personnel Services (1) The institution shall have a well-organized student counseling program which continues throughout the preparation program and includes an effective placement service assisting graduates in finding positions.

(2) The institution shall provide students with written information describing its student personnel services and the means of availing themselves of these services.

(3) The institution shall provide for the appointment of a faculty advisor for each student admitted to teacher education. The faculty advisor shall have a thorough understanding of the preparation program to be followed by each advisee.

(4) The institution shall collect and maintain current data on teacher supply and demand which shall be used by all faculty assigned to advise students preparing for teaching.

(5) The institution shall maintain a system of student personnel accounting including permanent cumulative records for each student enrolled. As a part of the student record there shall be legible and intelligible transcripts of records, including a statement of course titles, credits, or the equivalent (waivers, substitutions, etc.) and degrees. The cumulative record shall also include a description of all professional laboratory experiences.

48-2.12(2)-Sl290 Student Participation in Teacher Education Program Development and Evaluation (1) The institution shall provide evidence that students have been involved in program development and evaluation and that joint student-faculty committees have been active in these matters.

(2) The institution shall provide evidence that there are clearly established channels and opportunities for all students to express their views.

48-2.12(2)-Sl2000 Faculty (1) The institution shall provide evidence that faculty members in professional education, whether working in a school or in higher education, have had specific preparation for their roles in teacher education.

(2) The institution shall provide evidence that faculty members who teach courses in the various discipline areas are involved in program development and are well informed with respect to current practices concerning the disciplines in elementary and secondary schools.

(3) The institution shall provide evidence regarding faculty experience and participation in such professional activities as curriculum improvement, research, writing and travel for educational purposes. The institution shall also provide evidence that faculty members are growing professionally through advanced study, research, and participation in activities closely related to their instructional assignments.

(4) The institution shall provide evidence that its policies of selection, retention and promotion of personnel are effective in providing faculty members who are competent and professional.

(5) The institution shall have provisions for the use of part-time or adjunct faculty as needed. Such part-time faculty shall meet all institutional criteria with respect to academic preparation, experience, and scholarly performance as have been established for appointment of full-time faculty by the institution.

48-2.12(2)-Sl2010 Instruction (1) The institution shall provide evidence that its faculty uses a variety of instructional procedures which contribute to the student's preparation, such as class discussions, large and small group work, lectures, laboratory work, and use of teacher aides and a variety of media.

(2) The institution shall collect and use information pertaining to the degree to which the institution has attained its goals in the preparation of professional school personnel.

48-2.12(2)-Sl2020 Facilities and Instructional Materials

(1) An institution shall have a physical plant designed to serve its defined purposes for teacher education. The physical facilities shall also provide for the safety, health, cultural, social and recreational needs of students and faculty.

(2) The library, as the principal materials resource center of the institution, shall be utilized for instructional research and other services supporting the teacher education program. Administrative procedures and equipment shall conform to accepted modern practices including methods of cataloging, arrangement of print and non-print materials, availability of student and faculty stations, and accessibility of materials and facilities. The library shall be administered by a professionally trained librarian.

(3) The institution shall provide laboratories and laboratory supplies and equipment needed for instructional purposes for each teacher education program offered, such as shops and shop equipment; specialized equipment for the biological, earth and physical sciences; specialized equipment for psychological, sociological and child development sciences; specialized furniture, equipment and supplies for music and art; gymnasiums and outdoor areas for physical education; equipment for business education; facilities, equipment and supplies for home economics; and demonstration farms and farm buildings for agriculture. Space and equipment shall be made available for conducting and recording experiences such as micro-teaching, role-playing, and other simulated activities.

(4) Institutions shall make teaching-learning materials and equipment available to students and faculty. They shall provide technical instruction in the use of the equipment, in the production of teaching-learning materials and their uses and in the classification and preservation of such materials.

(5) The institution shall demonstrate its commitment to the improvement of instruction by developing and following a plan for the institutional use of educational media and technology.

(6) The institution shall maintain a materials laboratory or center either as a part of the library or as one or more separate units. It shall be open to students as a laboratory of instructional materials and shall be directed by a faculty member well informed in the various instructional materials and media used at different grade levels. This laboratory shall include a wide array of books commonly used in elementary and secondary schools; various types of teaching aids such as maps, charts, pictures, filmstrips and recordings; various types of materials used in evaluating learning; and curriculum patterns, courses of study, and teaching units. There shall be workshop facilities for preparing new curriculum materials including access to electronic, photographic and other equipment.

48-2.12(2)-S12030 School-Institution Relationships

(1) Definitions and requirements affecting working relationships between the schools and the institutions shall be explicit, clear and well publicized. Officials of both the preparing institution and the elementary and secondary schools shall be certain that all programs are operated within all existing regulations.

(2) Student teaching shall be done through cooperative programs in selected schools with well-planned curriculums, needed teaching materials, and professionally educated staff members with successful teaching experience. There shall be provisions for supervision by the institutional faculty, involving both academic subject and education areas, and for special preparation of supervisors from both the school and the institution.

(3) Institutions shall make mutually agreed upon arrangements with school systems which include:

- (a) descriptions of activities, services and compensation;
- (b) descriptions of roles and responsibilities;
- (c) provisions for solving problems and for ongoing activities coordination; and

(d) means for revision of arrangements to meet changing needs and conditions.

(4) In addition to those who will assume the specific instructional and supervisory roles, all institutions and elementary and secondary schools engaged in providing laboratory experiences for prospective teachers shall set up properly designated and publicized channels and offices for efficient operation and communication. Each school system and institution shall have an identifiable coordinator who channels or coordinates all contacts, operations and activities pertaining to laboratory experiences for his/her institution both prior to and during the student teaching, internship or apprenticeship.

Subchapter 3 - CURRICULUM PRINCIPLES AND STANDARDS: BASIC PROGRAMS

48-2.12(3)-S12040 Curriculum Development, Planning and Patterns (1) A designated administrative unit at the preparing institution shall coordinate the responsibilities for the administration of a continuing program of curriculum development evaluation and revision, and for the advisement and programming of students in the teacher education curriculums. This unit shall recommend students to the Office of Public Instruction for certification approval.

(2) The curriculum development process for the various teacher education programs shall include provisions for enlisting the cooperation and participation of representatives of:

- (a) the public schools;
- (b) college and university teachers in fields related to the area of public school specialization;
- (c) the Office of Public Instruction;
- (d) professional associations;
- (e) professional committees and commissions; and
- (f) teacher education students.

(3) A continuing curriculum evaluation program shall utilize a systematic follow-up of graduates to determine the strength of their preparation and their competence as teachers.

(4) Each teacher preparation curriculum shall be planned for teaching in an area of specialization and shall include:

- (a) general education designed to prepare students for purposeful and responsible living as individuals and citizens;
- (b) appropriate content and experiences in the area of specialization that relates to and gives background for teaching service in public schools; and
- (c) the sequence in basic professional education designed to prepare students for roles as teachers in the public schools.

(5) The curriculum shall be designed to develop the students' unique interests and capabilities through a system of academic guidance and electives.

48-2.12(3)-S12050 General Education (1) General education refers to studies known as the liberal arts, those embracing the broad areas of the humanities, mathematics, the biological and physical sciences, and the social and behavioral sciences.

(8)

- (a) The elements of the general education program shall:
 - (i) stimulate scholarship that will promote understanding of concepts not now extant and will help prepare people for rapid adjustment to change;
 - (ii) foster individual fulfillment and nurture the development of free, rational, and responsible adults;
 - (iii) cultivate appreciation for the values associated with life in a free society and with responsible citizenship;
 - (iv) develop intellectually competent, imaginative and vigorous leaders;
 - (v) contribute to and provide direction for the use of professional knowledge;
 - (vi) encourage discernment in the examination of the values inherent in foreign cultures to the end that a clearer understanding of other peoples will reduce world tensions.
- (b) General education shall be emphasized in the first two years of higher education, extended throughout the baccalaureate program, and continued in diminishing proportions into graduate study.
- (c) A sequential general education program will be constructed which will help the student attain an understanding and appreciation of:
 - (i) language skills (see (20) of Section 48-2.12(3)-S12080) as essential tools in communication;
 - (ii) world literature with emphasis on, but not limited to, the writings of English and American authors;
 - (iii) aesthetic values in human experience expressed as through the fine arts;
 - (iv) scientific and mathematical concepts upon which contemporary civilization depends;
 - (v) contemporary world culture;
 - (vi) social, geographic, political and economic conditions and their impacts on current problems in the nation and the world;
 - (vii) growth and development of the United States as a nation and its place in world affairs;
 - (viii) principles of physical and mental health as they apply to the individual and to the community;
 - (ix) America's pluralistic culture and heritage.

Section 48-2.12(3)-S12060 Professional Education (1) Professional education refers to those studies which include foundations of education and methods and materials of teaching, with supervised laboratory experiences designed to provide competencies required in the education professions.

(a) Each institution shall have a clearly stated set of objectives for the professional education component of its teacher education program.

(b) The component of professional education shall encourage individualization of the student's program while providing for a range of studies and experiences which will help the student develop:

(10)

(i) knowledge of the process of human growth, development, and learning, and the ability to apply this knowledge to the teaching of all students, including atypical children;

(ii) knowledge of current research, methods, materials, standardized tests, curriculum development, procedures, and media appropriate to teaching. Emphasis shall be in the student's field(s) of specialization;

(iii) ability to teach effectively and to work ethically and constructively with pupils, teachers, administrators, parents, and other concerned persons and organizations;

(iv) understanding of the foundations underlying the development and organization of education in the United States;

(v) understanding of the purposes, administrative organizations, finance aspects, board functions, and operations of the total education programs of the school;

(vi) ability and willingness to analyze teaching as a means of continually improving teaching skills;

(vii) ability to teach reading and writing skills appropriate to the level of the student and to the content of the subject;

(viii) knowledge of the legal aspects of teaching in the Montana schools, professional ethics, conduct, rights and responsibilities, and the structure and financial basis of the Montana school system.

(c) The program shall provide experiences which will lead the teacher candidate to develop those human qualities that will enhance pupil learnings, to include but not be restricted to:

(i) personal self-esteem and confidence;

(ii) open attitudes of evaluating practices which affect social groups; and

(iii) knowledge, humaneness, and sensitivity which reduce conflict and tension and which promote constructive interactions among people of differing economic, social, racial, ethnic and religious backgrounds.

(d) The component of professional education shall include a comprehensive program of carefully designed basic experiences in a variety of relevant settings. In addition, the institution shall make available a wide range of laboratory, clinical, and practicum experiences with school-age youth in order to meet the pre-teacher's needs.

(e) Student teaching, or other major practicums, shall be designed both as growth experiences and as opportunities for evaluation of a student's potential for teaching. Student teaching shall provide an opportunity for assessing a student's commitment to teaching, skill in guiding learning in inter-personal relations, and growth as a professional in teaching. In considering the approval of teacher education programs, the following statements shall be used for evaluating student teaching components. These statements are not all-inclusive; they represent minimums. Teacher education institutions are encouraged to develop student teaching components of a quality superior to that implied:

(i) Admission to program: Student teaching shall be permitted only after a professional review of the student's record indicates that scholarship, performance in an area of specialization, competence in the professional education component; performance in previous professional experiences, and personal characteristics directly related to the student's ability to function in a classroom setting, qualify that student for the responsibilities of student teaching.

(ii) Intensity of program: Student teaching shall be a comprehensive experience with expanding responsibilities, including the full range of teacher activities in a school situation.

(iii) Length of program: Student teaching shall provide for intensive and continuous involvement. The length of student teaching shall depend upon the performance of the student teacher. It shall continue until objectives of the program have been achieved or until the student has been screened from the program.

(iv) Choice of cooperating school: The cooperating school or school system shall be chosen by the institution on the basis of the commitment of the administrators and staff members to participation in the preparation of new teachers.

(v) Choice of cooperating teacher: Cooperating teachers shall be selected jointly by school and institutional personnel. In addition to being certificated and experienced in the area of assignment, the cooperating teacher shall have a good performance record, show continued professional growth and have the temperament, desire and ability to work with student teachers. The number of student teachers assigned by any qualified cooperating teacher shall be determined by applying two professional criteria:

(aa) the level of support for pupil learning shall remain as high or higher than if the student teachers were not so assigned, and

(ab) the teacher can feel comfortable and confident in providing an effective, supportive learning climate.

(vi) Institutional responsibility for supervision: Institutions shall study and develop effective arrangements for administering and supervising student teaching programs that best utilize the resources of the institutional supervisor, cooperating teacher and student. Where the institutional supervisor functions as a generalist, the institution and school system shall assure that expertise in content and methodology in the subject area is available to the student. All institutions shall study possible alternative arrangements for administering and supervising student teaching including the use of clinical professors. Institutions and schools shall make cooperative detailed studies of roles and responsibilities; such studies shall be utilized in determining the strengths and weaknesses of supervision and in developing means to upgrade continually the skills of all personnel involved. Institutional staff who have responsibility for supervision shall have equal status with other faculty. The college shall assure adequate supervision for student teachers and this policy shall be in writing.

48-2.12(3)-S12070 Teaching Areas: General Standards

(1) All programs for preparing teachers in fields of specialization shall be designed to meet general standards as identified by the faculty.

(a) Each institution shall develop its teacher education program within the certification policies of the Board of Public Education.

(b) Each teaching area or field of specialization shall be built upon a statement of the purpose and objectives of teaching in this area of the public school curriculum and shall:

(i) include a well-formulated statement of the nature of the public school program needed to accomplish the purpose and objectives;

(ii) be prepared by the faculty concerned with teacher education;

(iii) be based on analyses of current practices and recommendations of the professional organizations representing this field of the public school curriculum;

(iv) be available in writing

(c) Each teaching area or field of specialization shall be built on a statement of the skills needed by teachers in this area of the public school curriculum and shall:

(i) include the attitudes, knowledges, understandings, abilities and degree of expertise required for a beginning teacher;

(ii) be based upon the statement developed in the preceding guidelines regarding the objectives and program of the public school;

(iii) be available in writing.

(d) The program of study constituting the teaching area or field of specialization shall:

(i) include a thorough study of the aspects of the subject-matter area as included in the public school curriculum;

(ii) take into account the sequential nature of the knowledge and skills to be developed to assure maximum continuity in the achievement of the objectives of the program;

(iii) provide prospective teachers with a comprehension of the aspects of study which their students will meet in subsequent courses related to their field of study;

(iv) constitute minimum requirements for teaching in the field of specialization, with courses and content chosen for their relevance to the public school curriculums and in response to the careful study of individual needs, abilities and objectives of the prospective teacher;

(v) be broadly conceived, to include work in fields related to the area of study to be taught.

(e) Each teaching area or field of specialization shall include provision for a systematic program of evaluation procedures to determine the degree of the student's attainment of teaching skills. These evaluation procedures shall serve as the basis for recommending the teacher candidate for the appropriate teacher certificate.

(f) Each teaching area or field of specialization shall be supported by plant, facilities, equipment, library and media resources. A schedule of meeting-time adequate to implement the planned program of courses, including appropriate field and laboratory experiences, shall be provided.

(g) Each teaching area or field of specialization shall be staffed by faculty members who are well-qualified by graduate training and experience in the subject-matter of the particular area of the public school curriculum and who are sensitive to the needs of public school teachers.

48-2.12(3)-S12080 Teaching Areas: Specific Standards Each teaching area or field of specialization shall consist of a carefully planned pattern of courses and experiences designed to produce the skills identified by the faculty as necessary for successful teaching at the particular grade levels for which the program is designed: elementary, secondary or K-12.

(1) Agriculture. For the prospective teacher, the program shall:

(a) assure that practical farm or other agricultural experience is a part of the requirements for completion of the program leading to certification;

(b) provide study of the biological, physical and applied sciences as they relate to practical solutions of agricultural problems;

(c) provide study of the essentials for production agriculture and the breadth in technical agricultural industry;

(d) provide basic knowledge in areas such as the following:

(i) plant science and technology

(ii) animal science and technology

(iii) agricultural business management and technology

(iv) agricultural mechanics science and technology

(e) provide study of the following occupational areas:

(i) agricultural production and marketing

(ii) agricultural equipment and supplies

(iii) agricultural products

(iv) ornamental horticulture

(v) agricultural resources

(vi) natural resource management

(vii) environmental development

(viii) forestry;

(f) provide skills necessary for the utilization of agricultural youth organizations as a means for teaching leadership skills through knowledge and practice of speech, parliamentary procedures, and group cooperative efforts; and

(g) provide studies and experiences which enable the prospective teacher to perform the appropriate occupational skills while working with pupils and adults in projects and programs relative to the agricultural instructional areas.

(2) Art K-12. For the prospective teacher, the program shall:

(a) provide opportunities to acquire knowledge, understanding and appreciation of art in contemporary and past cultures with emphasis on the relationship of art to the culture in which it was produced and its influence on subsequent cultures;

(b) provide for awareness, comprehension and ability to describe, analyze, interpret and evaluate works of art;

(c) provide for the development of knowledge and understanding of philosophical aspects of the nature of art and of its meaning and contributions to the individual and society;

(d) provide for the development of the ability to work as a professional educator with pupils of all age groups and the ability to aid pupils to develop the individualized capacities of:

(i) perception - the ability to exercise and refine fundamental and discriminating sensory intake;

(ii) knowledge and understanding - the ability to project information, particularly that which is manifest in art forms;

(iii) creation - the ability to produce or create original, expressive art from a variety of media;

(iv) reflection/action - the ability to respond to art, to enjoy it, appreciate it and to assimilate its meaning and presence into an individual life-style that complements society.

(e) provide training for art education curriculum development that assures competent guidance of pupils in a wide variety of art activities;

(f) provide the knowledge and skills relative to organizing, planning, administering, and evaluating a program of art education;

(g) provide for the development of the student's ability as a producing artist. Emphasis should be on basic concepts and skills related to the student's ability to recognize and structure original and expressive art form in a wide variety of media.

(h) provide for knowledge and understanding of technological and safety aspects of studio work;

(i) provide for studio experiences related to a variety of art media commensurate in breadth and depth with the teacher's personal and professional needs; and

(j) provide for the develop of understanding and appreciation of related area areas such as dance, film, music, literature, theatre and practical arts.

(3) Business Education. For the prospective teacher the program shall:

(a) provide for knowledge of our economic system, business organization, philosophy and objectives of vocational education and occupational technology;

(b) provide experiences and include studies which develop the following skills:

(i) planning, organizing and administering a program which includes work experiences

(ii) developing and understanding concepts of automated data processing

(iii) planning for laboratory facilities and equipment

(iv) developing a knowledge of job requirements and opportunities in business and allied fields

(v) developing ability to operate and maintain the more common types of office equipment

(vi) planning, organizing and advising a student business organization;

(c) provide for a study of meaningful survey activities; e.g., surveys of business offices and follow-up studies of secondary-school graduates to enable teachers to offer current job-related information to their students;

(d) provide satisfactory occupational experience in one or more businesses and other occupations;

(e) provide studies and experiences which develop competencies in teaching disadvantaged and handicapped persons;

(f) provide an understanding of career opportunities in business and office occupations;

(g) provide preparation for the teaching of clerical office occupations combining intensive training in accounting and office procedures and the development of typewriting skills; secretarial and related occupations combining the intensive development of secretarial and communication skills along with some preparation in accounting skills;

(h) provide for the development of proficiency in typewriting and related office skills;

(i) provide for the development of an understanding of office procedures and relationships of various procedures to job opportunities in the business world;

(j) provide an understanding of the theories and skills of accounting; and

(k) provide for the development of skills in the art and techniques involved in recording, analyzing, classifying and interpreting data.

(4) Business Education with Shorthand - Secretarial Occupations Section 48-2.12(3)-Sl2070, subsection (3) is applicable. In addition, for the prospective teacher, the program shall:

(a) provide for the development of proficiency in basic secretarial and related office skills;

(b) provide for the development of an understanding of secretarial procedures and relationships of various procedures to job opportunities in the business world; and

(c) provide an understanding of accounting theories and skills.

(5) Distributive Education. For the prospective teacher, the program shall:

(a) provide for the development of teaching, services, coordination, research, and leadership competence in purchasing, marketing, merchandising and management;

(b) provide experiences and include studies which develop the following skills: -

(i) planning, developing, and administering a comprehensive program of distributive education for both high school and adult students

(16)

(ii) organizing and utilizing a wide variety of methods and techniques for teaching youth and adults

(iii) conducting learning experiences for students with a broad array of abilities and career objectives, and recognizing and responding to individual differences in students;

(c) provide for a variety of occupational work experiences; and

(d) provide experiences for the development of a knowledge of and involvement in distributive education organizations.

(6) Dramatics. For the prospective teacher the program shall:

(a) provide a knowledge of theater as a social and aesthetic experience, a reflection of culture, and include a broad view of the history of theater and acquaintance with representative plays of past and present;

(b) provide for the development of ability to direct a theatrical production with artistic integrity, involving selection analysis, casting, rehearsal, performance supervision, and all other elements of direction;

(c) provide a knowledge of basic acting skills and techniques in order to promote, stimulate and guide the efforts of the individual as well as the interpreting group, whether in a creative dramatic context, or in a theatrical production;

(d) provide for the development of the ability to handle the technical requirements of a theatrical production by effective planning for and execution of scenery, lights, make-up, sound, properties, costume, and special effects;

(e) provide for the development of the ability to evaluate the production of activity and to modify and adapt future goals and objectives in light of achievements as well as deficiencies;

(f) provide an understanding of the function of theater in the school at all grade levels and the place of theater in everyday life;

(g) provide for the development of the ability to design and provide environments conducive to the development of creativity in the individual as well as a knowledge of potential achievements at different levels and the time needed to accomplish the objective involved;

(h) provide a knowledge of methodology for teaching theater, content and organization of course work and the development of individual units of study, evaluation of student achievement, and potential at various grade levels;

(i) provide for the development of the ability to organize an academic or non-academic production or program including audience services within the context of the school time, facilities and monies, and to augment existing facilities and materials in an order of significant priority;

(j) provide for the development of the ability to promote and publicize an activity or production in order to gain the attention and support of the school and community in relationship to the development of appreciation of theater in school and community audiences;

(k) provide for the development of the ability to serve as a resource person within a school system in the development of facilities, the preparation of classroom projects, assembly programs or any activity in which elements of theater are found;

(l) provide for the development of the ability to assist in the organization of a progressively planned and comprehensive theater and/or other fine arts curriculum which includes experiences in music, film, literature, art, dance and theater as they relate to elementary through high school students and to theater as a synthesis of the arts; and

(m) provide for the development of the ability to disseminate accurate information and to be a resource for educational and vocational counseling in theater arts and allied fields.

(7) Elementary. For the prospective teacher, the program shall:

(a) provide knowledge of child growth and development and of the social, emotional, physical and health characteristics and needs of children;

(b) include studies and experiences in the sociological and the behavioral sciences which emphasize the relation of children to their environment;

(c) provide for the development of instructional competence in teaching methods and the use of materials to promote the effective pupil language art skills of reading, writing, speaking, and listening;

(d) provide preparation sufficient for competence in the subject areas normally found in the elementary school curriculum including art, health, mathematics, music, physical education, science, social studies, and traffic and safety education;

(e) provide for the development of instructional competence in the use of methods and materials to promote effective pupil skills in the subject areas normally found in the elementary school curriculum;

(f) provide a comprehensive knowledge of literature appropriate for children in the elementary grades and provide teacher competency in developing children's sensitivity to and enthusiasm for literature;

(g) provide for the development of knowledge and understanding of the techniques involved in the individualization of instruction, team teaching, and various methods of grouping within a self-contained classroom;

(h) provide adequate preparation for teaching atypical children; and

(i) provide preparation for the development of skills related to the diagnosis, prescription and correction of learning difficulties of elementary school children.

(8) English. For the prospective teacher, the program shall

(a) provide knowledge of the structure and history of the English language, including phonology, morphology, syntax, semantics, and basic grammatical principles;

(b) provide knowledge of the various personal, social and communication purposes of language, including attention to factors such as:

(18)

- (i) social and regional language variation
- (ii) language for control and management of others; i.e. language abuse, e.g., the rhetoric of politics, advertising, etc.;
- (c) provide knowledge of the basic differences and similarities in the structural and semantic attributes of written and oral discourse, attendant classical and contemporary rhetorical theories regarding both modes of discourse;
- (d) provide knowledge of the nature of non-print and non-verbal expression as well as their relationship to verbal expression;
- (e) provide knowledge of the processes whereby individuals acquire, understand, and use their language;
- (f) provide knowledge of the attributes of oral and written language in the developing student;
- (g) provide knowledge of the ability to teach processes by which one learns to read;
- (h) provide knowledge of a representative body of English, American, and non-western literature, including contemporary, adolescent, children's, and minority groups' literature;
- (i) provide knowledge of approaches to literary analysis, both classical and contemporary;
- (j) provide knowledge of approaches to English curriculum evaluation, design and development, and the ability to articulate the nature and purposes of that curriculum to professional peers, school administrators, and parents;
- (k) provide knowledge of approaches to assessment and diagnosis of student's encoding and decoding abilities in various settings and for various purposes;
- (l) provide for the development of the ability to help assess and interpret students' progress in both decoding and encoding language in various social, regional and cultural settings;
- (m) provide for the development of the ability to prescribe suitable techniques and materials for overcoming specific decoding and encoding difficulties and design effective instructional strategies and teaching approaches for the teaching of decoding and encoding skills;
- (n) provide for the development of the ability to help students become aware of the various social and cultural backgrounds and purposes of language use; and
- (o) provide for the development of the ability to make literature a substantive and worthwhile part of the students' education, and relate the purpose of English to everyday needs of students;

(9) Exceptional Children K-12. Common standards applicable to all areas of special education are followed by specialized standards for the respective areas. Programs leading to K-12 certification for teachers of exceptional children shall meet the common standards and have an emphasis in at least two of the special areas.

(a) Common standards. For the prospective teacher, the program shall:

- (i) provide an understanding of the types of exceptionalities among children and youth and their educational relevance;

(ii) provide experiences in individual and group classroom management procedures appropriate to exceptional children such as:

(aa) use of diagnostic procedures to identify the learning difficulties of the exceptional child

(ab) ability to develop and implement prescriptive programs based on diagnostic findings

(ac) knowledge of the techniques utilized in behavioral control;

(iii) provide for the development of social skills and attitudes to enable the prospective teacher to work effectively with other school personnel in coordinated programs for exceptional children;

(iv) provide for the development of the ability to interpret the educational program to parents, teachers, administrators, and community groups;

(v) provide opportunities to observe institutions and facilities concerned with the education, health, and welfare of all types of exceptional children;

(vi) provide early opportunities for supervised laboratory experiences with exceptional children as one means of determining the candidate's maturity for work with exceptional children;

(vii) encourage student affiliation with professional groups, and create an awareness of the referral agencies available for aid to exceptional children; and

(viii) provide for the development of skills in planning and conducting wide varieties of learning experiences for individuals and groups; and

(ix) provide for a specific understanding of state rules and regulations related to funding awards.

(b) Specialized standards. The program shall require in-depth study and experience which develop competence in at least two of the following specialized areas of concentration:

(i) Pre School. For the prospective teacher, the program shall:

(aa) provide general knowledge of major handicapping conditions to include: characteristics, etiology, diagnosis, and intervention;

(ab) provide specialized preparation for working with children with severe and profound handicapping conditions;

(ac) provide for demonstrated ability to identify and use appropriate diagnostic procedures for developing individualized educational programs and instructional plans;

(ad) provide for demonstrated ability to communicate effectively with parents, referral agencies, and other non-school groups;

(ae) provide understanding of normal growth and development from birth to age five;

(af) provide for demonstrated ability to develop, implement and monitor individual educational programs;

(ag) provide for demonstrated general knowledge of program administration and supervision to include legal requirements, state and local policies, financing, organization, and evaluation strategies.

(ah) provide for completion of successful supervised experience with young handicapped children to include exposure to a wide range of handicapping conditions and varied degrees of severity.

(ii) Emotionally Disturbed. For the prospective teacher the program shall:

(aa) provide the theoretical bases of counseling and psychotherapy with in-depth studies in emotional and social problems;

(ab) provide for the development of specific techniques for the diagnosis and remediation of learning problems caused by maldevelopment of personality as manifested by a variety of symptoms and problems, such as adjustment reactions of childhood, conduct disorders, neuroses, character disorders, and psychoses;

(ac) provide for the development of an awareness of the significant role of parents and the influences of the total environment of the pupil; and

(ad) provide knowledge of the results of research in the area of emotional disturbance and closely allied fields.

(iii) Hard of Hearing. For the prospective teacher, the program shall:

(aa) provide for the development of skills in management of pupils with speech and hearing disorders, including diagnosis and evaluation, therapeutic methods and materials;

(ab) provide study in audiometry and hearing rehabilitation including studies in hearing problems and testing of hearing;

(ac) provide for development of skills in auditory training and speech reading, in speech for the acoustically handicapped, in sign language, and in working with the deaf;

(ad) provide opportunities to observe procedures of diagnosis and case management by qualified clinicians; and

(ae) provide for the development of therapeutic skills and judgments and opportunities to perform therapeutic services under supervision.

(iv) Mentally Retarded. For the prospective teacher, the program shall:

(aa) provide knowledge related to the needs of the mentally retarded, knowledge of programs and procedures for working with the mentally retarded, and professional laboratory experiences with mentally retarded children;

(ab) include studies and experiences which will provide the prospective teacher with knowledge of the following:

(aba) etiology of mental retardation

(abb) characteristics of the mentally retarded and classification and diagnosis of mental retardation

(abc) social control and adjustment of the mentally retarded

(abd) information about the educational processes of the mildly, moderately, and severely mentally retarded

(abe) interpretation of psychological tests

(abf) screening and selection of children for class placement

(abg) curriculum development, methods, materials and special teaching techniques

(abh) problems related to integration of mentally retarded students into general school organization; and

(ac) provide knowledge of all levels of mental retardation and allow for emphasis in one or more of these levels.

(v) Orthopedically Impaired. For the prospective teacher, the program shall:

(aa) provide knowledge of learning environments for children who are medically defined as physically handicapped who have other health problems, or who have central system disorders that place them within a definition of chronic conditions;

(ab) provide understandings and knowledge of the special problems and processes of assessing the physically handicapped and shall emphasize the effects that the physical handicap has on the learning processes and the diagnostic procedures to be used in the teaching role; and

(ac) provide experiences to develop skills in curriculum development and special methodologies relative to children who may be minimally or multiply handicapped.

(vi) Visually Handicapped. For the prospective teacher, the program shall:

(aa) provide study of the anatomy and physiology of the eye and knowledge of the symptoms and diagnosis of partial vision and total loss of sight;

(ab) provide knowledge of local, state, and national facilities for serving the visually handicapped and the blind and knowledge of the provisions available for the partially seeing child;

(ac) provide knowledge of common plans of organization and current facilities for serving partially seeing children, and the principles of preparation, selection and effective use of appropriate instructional materials;

(ad) provide for the development of skills to solve the problems of adaptation of school environments to meet the needs of partially seeing children; and

(ae) provide for the development of skills with teaching methods applied to the special needs and capabilities of partially seeing and blind children, and study and experience in testing programs and interpretations of test results.

(vii) Specific Learning Disabilities. For the prospective teacher the program shall:

(aa) provide knowledge of learning theory as well as educational psychology and shall provide orientation in psychological testing and in diagnosis and correction of learning disabilities;

(ab) require experience in the education of those with learning disabilities (such as dyslexia, perceptual handicaps, brain injury, minimal brain dysfunction, and developmental aphasia) in remediation in basic skills, in teaching of reading, and in curriculum development for teaching of students with learning disabilities;

(ac) provide for adequate understanding of group dynamics, interviewing and counseling and for knowledge of community resources; and

(ad) provide professionally supervised experiences with pupils, teachers, and administrators that are properly planned and professionally supervised and of such duration to prepare the graduate for working in this field.

(viii) Speech and Language Impaired. For the prospective teacher, the program shall:

(aa) provide knowledge of the study of normal speech, typical and common speech defects, and basic techniques for their prevention and correction;

(ab) provide knowledge of etiology and treatment of the more severe speech deviations such as articulation, stuttering, voice, organic, and symbolization disorders;

(ac) provide knowledge of phonetics and language development;

(ad) provide knowledge of psychological, and social foundations of speech and hearing disorders including anatomy, physiology and the function of auditory and speech mechanisms;

(ae) provide study in audiometry, speech reading, and speech for the acoustically impaired;

(af) provide opportunities to observe procedures of diagnosis and case management by qualified correctionists; and

(ag) provide for the development of skills and judgments and for opportunities to perform under supervision with the equipment essential for the conduct of speech correction.

(10) Foreign Languages. Certificate endorsements available in Montana are French, Spanish, German, Russian and Latin. For the prospective teacher, the program shall:

(a) provide study in phonology, conversation, grammar and composition, linguistics (applied to the specific language or applied to foreign languages as a whole) and literature;

(b) provide for the development of the ability to understand conversation at a normal tempo, lectures and news broadcasts;

(c) provide for the development of the ability to converse with a native with a command of vocabulary and syntax sufficient to express thoughts in conversation at normal speed with good pronunciation;

(d) provide for the development of the ability to read with immediate comprehension both prose and verse of average difficulty and mature content;

(e) provide for the development of the ability to write a "free composition" (such as a letter or message);

(f) provide understanding of the differences between the sound systems, forms, structures of the foreign language and English and the ability to apply this understanding to modern foreign language teaching;

(g) provide an awareness of language as an essential element of culture, an understanding of the principal ways in which the foreign culture differs from our own, first-hand knowledge of literary masterpieces, and acquaintance with the geography, history, art, and social customs of major lands in which the language is dominant;

(h) provide knowledge of the present-day objectives of foreign language teaching as communication and an understanding of the methods and techniques for attaining these objectives;

(i) provide knowledge of the use of specialized techniques, such as educational media, the relation of modern foreign language study to other areas of the curriculum, and the ability to evaluate the professional literature of foreign teaching; and

(j) provide a study of the literature, history, geography, and contemporary civilizations of the appropriate country or countries;

(k) provide for the preparation of teachers of classical languages through adherence to the preceding standards with additional emphasis on appreciation of the language and gaining control of its sounds, structure, and vocabulary rather than on conversational objectives.

(11) Guidance and Counseling K-12. For the prospective teacher, the program shall:

(a) provide evidence that careful screening is employed to assure that only persons who have the potential for developing effective relationships with students, teachers, administrators, and parents are accepted as candidates;

(b) provide understanding of the philosophy, organization, and professional activities related to the practice of school counseling;

(c) provide knowledge of referral agencies and other services outside the school setting;

(d) provide an understanding of the individual, including the dynamics of human behavior;

(e) provide for the extension of his/her understanding of basic educational philosophies and school curriculum patterns;

(f) provide understanding of societal forces and cultural changes with particular reference to socio-economic, ethnic, and racial groups;

(g) provide for skills in the following areas:

(i) interpretation of I.Q. aptitude, interest, and achievement and personality assessment

(ii) individual and group counseling

(iii) individual and group guidance

(iv) assisting students in developing vocational, career planning and lifestyle decision-making skills

(v) assisting students in developing personal, social, and educational decision-making skills

(vi) placement and follow-up

(vii) planning, implementation, administration and evaluation of counseling programs;

(viii) performance, interpretation and utilization of educational research; and

(h) provide supervised laboratory and practicum experiences in a school setting to include opportunity to work effectively with pupils, teachers, parents, and the community in the following areas:

- (i) practice of guidance and counseling methods and techniques
 - (ii) observation of how the duties of a counselor are discharged
 - (iii) performance of the duties of a school counselor.
- (12) Health. For the prospective teacher, the program shall:
- (a) provide knowledge and understanding of the aims and objectives of health education in the schools;
 - (b) provide basic knowledge of the biological sciences which primarily deal with the human's quest for a healthy life. More specifically, to provide knowledge and understanding in human physiology and anatomy, basic body chemistry, microbiology, genetics, and ecology;
 - (c) provide basic background studies in the behavioral and social sciences pertinent to the study of health;
 - (d) provide an understanding of:
 - (i) personal health and physical fitness including basic understanding of the body and its vital organs;
 - (ii) community and environmental health including sanitation and pollution
 - (iii) nutrition including weight control, food fads and diet supplements
 - (iv) emotional and mental health
 - (v) physical, social and emotional health hazards of drugs, alcohol and tobacco
 - (vi) physical and emotional aspects of sex
 - (vii) communicable diseases (including venereal disease), body defenses and immunization programs
 - (viii) common physical and mental exceptionalities and degenerative diseases
 - (ix) consumer health including the selection of health products and professional services, and the evaluation of advertising
 - (x) first aid and emergency care
 - (xi) safety including outdoor, water, home, industrial, and traffic
 - (xii) values processes and clarification; and
 - (e) provide opportunities for developing, promoting and implementing a school health environment and cooperative relationships with voluntary, community and other official health agencies.
- (13) Home Economics. For the prospective teacher, the program shall:
- (a) provide basic information about experiences in working with the developmental processes of children and in creating and maintaining an environment in which children and families develop and interact as individuals and family members;
 - (b) provide an understanding of the multiplicity of factors involved in clothing and textiles which satisfy the needs of persons and families;
 - (c) provide an emphasis on the importance of making value judgments and decisions about shelter needs, furnishings, and equipment for individuals and families;

(d) provide the knowledge and experience of selecting, planning, preparing and serving foods according to nutritional needs of various individuals, families and groups;

(e) provide knowledge and experience in managing individual and family resources to achieve individual and family goals at the various stages of the life cycle;

(f) provide proficiency in maintaining human relations, planning, developing, teaching, supervising and evaluating programs in occupational home economics;

(g) provide an opportunity for interdisciplinary and multi-agency approaches for the preparation of home economics teachers;

(h) provide study in the humanities and the social, behavioral and natural sciences; and

(i) provide skills necessary for the utilization of home economics youth organizations as a means for teaching leadership skills through knowledge and practice of speech and parliamentary procedures and group cooperative efforts.

(14) Industrial Arts. For the prospective teacher, the program shall:

(a) provide preparation for teaching a general industrial arts course offering instruction in the main divisions of industrial arts subject matter and teaching a general unit-type laboratory or shop in one of the main divisions of industrial arts subject matter;

(b) provide for the study of philosophy, principles, and methods of industrial arts in elementary, secondary, adult and collegiate schools;

(c) provide a fundamental knowledge of the historical development of technology and its impact on man and society;

(d) provide for the development of technical skills in the following:

(i) Drafting: learning activities concerned with communicating ideas or illustrations graphically

(ii) Electricity-electronics: study of technology involved in the industrial uses of electrical energy including the theory, applications and control of electrical energy

(iii) Graphics arts: learning activities concerned with the tools, materials and processes used in the printing industries (study of the technical aspects of printing, related occupations, management problems, and the consumer-printing industry relationships)

(iv) Manufacturing and construction industries: studies of the technological achievements concerned with methods and processes used in manufacturing articles for mass consumption. These studies shall be concerned with the industry, technology, and products derived from such materials and processes as ceramics, crafts, metals, plastics, textiles, and woods

(v) Power and transportation: study of the technology involved in harnessing and controlling power, including its source, generation, and transmission and the use of powered devices and vehicles;

(e) provide for the study of industrial problems, including provisions for making independent investigations of the origins and evolution of present industrial conditions;

(f) provide opportunities to design, construct, and test individual projects; and

(g) provide skills necessary for the utilization of industrial arts youth organizations as a means for teaching leadership skills through knowledge and practice of speech and parliamentary procedure and group cooperative efforts.

(15) Journalism. For the prospective teacher, the program shall:

(a) communicate through effective writing by providing experiences in the basic skills and mechanics of the journalism profession;

(b) demonstrate different journalistic styles;

(c) relate interviewing and other aspects of research;

(d) stress the necessity for accuracy;

(e) develop knowledge and skills in the technical methods and tools used in journalism: grammar, copy reading, editing, makeup, headline writing, production process, photography, advertising copy and design;

(f) analyze the organizational structure of the news media, showing how and why this structure has changed;

(g) develop an understanding of the functioning of the American economic system as it relates to mass media (advertising, media sales, circulation and distribution);

(h) possess a knowledge of the history and development of the mass media, illustrating their impact upon society and the effects of technological developments upon the mass media;

(i) develop knowledge of the social responsibilities and of laws and ethics of mass media; illustrate the effects of the news media upon law and the effects of law upon the news media;

(j) develop an understanding of and appreciation for the free flow of information and the role of the news media in a democratic society;

(k) convey the responsibility of the news media for comprehensive reporting of the many faceted economic and social environments;

(l) recognize and deal with public relations problems related to the school and to the community served by the school; and

(m) develop an awareness of career opportunities in journalism and describe the preparation required for such professional careers

(16) Library K-12. For the prospective librarian, the program shall:

(a) provide a liberal arts education as stated in General Standards, section 48-2.12(3)-S12070, and for a professional core as stated in Specific Standards, section 48-2.12(3)-S12080;

(b) provide for the development of skill in selection as it relates to:

(i) developing criteria for evaluating and selecting materials and equipment

(ii) planning and implementing processes, procedures and policies for the evaluation and selection of materials and equipment

(iii) utilizing bibliographic aids and tools and other sources to provide current reviews and information about materials and equipment

(iv) developing a knowledge and understanding of literature for children and young adults;

(c) provide for the development of skill in the utilization of media as it relates to:

(i) teaching skills in retrieval and utilization of materials and equipment

(ii) assisting teachers and students in identifying, obtaining and adapting media to their specific needs

(iii) providing reading, listening and viewing guidance for students and teachers

(iv) identifying and utilizing community resources

(v) providing specific information and responses to reference requests;

(d) provide for the development of skill in the production of media as it relates to:

(i) designing and producing materials to meet stated learning objectives

(ii) operating production equipment

(iii) producing media for specified learning objectives which utilize the basic principles of design;

(e) provide for the development of skill in research and evaluation of media programs as it relates to:

(i) developing plans to assess needs and evaluate the media program

(ii) applying the principles of research to improve the media program

(iii) designing, developing, and writing proposals for funds to support the media programs;

(f) provide for the development of skill in the organization of media as it relates to:

(i) establishing and implementing procedures for acquisition, processing, distribution, and maintenance of materials and equipment

(ii) applying and adapting rules and procedures for classifying and cataloging all materials (print and nonprint);

(g) provide for the development of skill in administration, supervision and management as it relates to:

(i) assessing the current status of the media program in terms of local, state, regional, and national guidelines and establishing short- and long-range plans

(ii) initiating and developing policies and procedures for the operation of a media center

(iii) applying the principles of budgeting and management to the administration of the media program

(iv) establishing job specifications and applying principles of personnel management

(v) participating in the planning, arrangement, utilization and development of the media program and the instructional program

(h) provide for the development of skill in the application of the principles of learning and teaching methodologies as it relates to:

(i) determining goals for the media program as an integral part of the educational program of the school

(ii) participating as a member of the educational team in designing curriculum and the integration of media

(iii) planning activities and opportunities for increasing independence in learning

(iv) evaluating media programs as they relate to curriculum needs

(v) planning, providing and evaluating methods and procedures for teaching media skills in a variety of school curricula;

(i) provide for the development of skill in leadership and professionalism as it relates to:

(i) designing and implementing methods of interpreting media programs to teachers, students, administrators and the community

(ii) providing the right of access to information for students and teachers within the existing legal framework

(iii) participating in local, regional, state and national professional organizations

(iv) engaging in self-evaluation to identify the areas of need for continuing education and professional growth; and

(j) provide opportunities for a supervised practicum that includes a wide variety of instructional and operational experiences which relate to a media program.

(17) Mathematics. For the prospective teacher, the program shall:

(a) provide a knowledge of the sequential nature of mathematics and an understanding of the various aspects of mathematics which their pupils will meet in subsequent courses;

(b) provide for the development of the capacity and disposition for continued learning in mathematics and shall include studies and experiences which are relevant to the school curriculum; e.g. basic math, general math, consumer math, algebra, geometry, etc.

(c) provide knowledge of curriculum improvement studies in mathematics currently being made by various national groups;

(d) provide opportunities to acquire a knowledge of ways to apply the principles of mathematics to other disciplines; e.g. logic, science, psychology, economics;

(e) provide for the development of the ability to select, adapt, evaluate, and use strategies and materials for teaching mathematics, provide laboratory experiences in working with pupils of both high and low academic abilities and develop the ability to teach computational as well as abstract mathematics;

(f) provide experience in the field of computing as it relates to mathematics and to teaching of mathematics; and

(g) provide experience with mathematical model building.

(18) Music K-12. For the prospective teacher, the program shall:

(a) provide a functional knowledge of the language and grammar of music;

(b) provide an understanding of the common elements of music -- rhythm, melody, harmony, timbre, texture, dynamics, form -- and their interaction, and an ability to employ this understanding in both aural and visual analysis;

(c) provide for the development of:

(i) basic conducting skills, score reading, and rehearsal techniques

(ii) ability to compose, arrange and adapt music from a variety of sources to meet the needs and ability levels of school performing groups and classroom situations

(iii) ability to guide creative experiences and improvise in an extemporaneous performance

(iv) proficiency on piano, guitar, or other appropriate keyboard or fretted instrument sufficiently advanced for demonstration and accompaniment

(v) advanced ability sufficient to assure accurate and musically expressive performance

(vi) ability to perform in large ensembles and a variety of small ensembles;

(d) provide knowledge and understanding of music history and literature with emphasis on the relationship of music to other arts and humanities in contemporary and past cultures and the ability to place compositions in historical and stylistic perspectives;

(e) provide for the development of knowledge of a comprehensive music program based upon sound philosophy and understanding of what music to teach and how to teach it at any level. The program shall include procedures for organizing a comprehensive music curriculum for a school or school system;

(f) provide for the study of vocal/choral music in the areas of:

(i) ability to perform on keyboard and fretted instruments sufficient to employ these instruments as teaching tools

(ii) ability to transpose and improvise accompaniments

(iii) basic knowledge of vocal/choral problems and strategies and sufficient vocal skill to assure effective use of the voice in demonstrating vocal technique

(iv) solo and ensemble vocal performance

(v) use of wind, string, and percussion instruments, which develop the knowledge and skills necessary to conduct instrumental as well as choral ensembles

(vi) laboratory experiences in teaching various vocal/choral types of classes such as coruses and general music; and

(g) provide for the study of instrumental music in the areas of:

(i) performance ability on wind, string and percussion instruments sufficient to teach students in heterogeneous and homogeneous groups

(ii) solo instrumental performance experiences, as well as small and large instrumental ensembles experiences

(iii) use of the singing voice as a teaching tool and knowledge and skills necessary to conduct choral as well as instrumental ensembles

(iv) laboratory experience in teaching instrumental students -- individually, in small groups, and in larger classes.

(19) Physical Education and Health K-12. For the prospective teacher, the program shall:

(a) provide a knowledge of the aims and objectives of physical education in schools and the competence to provide learning experiences;

(b) provide study in the sciences with preparation in the biological sciences for understanding the structure and function of the human body, including an understanding of the principles of human movement, human physiology and anatomy, chemistry, microbiology, genetics and ecology;

(c) provide understanding of skills and capabilities to observe, analyze, prescribe and manage student learning in a wide variety of physical activities such as fundamental motor skills and exercises, gymnastics, individual and dual sports, team sports and games, mass games and activities, rhythms and dance, camping and outdoor recreation;

(d) provide knowledge and skill relative to organizing, planning, administering, and evaluating a total program of physical education. The following competencies are illustrative:

(i) relate physical education as a part of the total education program

(ii) select, purchase, care and maintain facilities, equipment, and supplies

(iii) organize and administer intramural, recreational, and interscholastic programs

(iv) select and use appropriate evaluative techniques of student performance

(v) relate principles, standards and procedures of safety

(vi) possess techniques of good public relations in interpreting the health and physical education program

(vii) organize and administer programs for atypical students

(viii) possess knowledge of legal liability and insurance aspects

(ix) possess knowledge of first aid and athletic training methods and techniques;

(e) provide an understanding of:

(i) personal health and physical fitness including basic understanding of the body and its vital organs

(ii) community and environmental health including sanitation and pollution

(iii) nutrition including weight control, food fads and diet supplements

(iv) emotional and mental health

(v) physical, social and emotional health hazards of drugs, alcohol and tobacco

- (vi) physical and emotional aspects of sex
 - (vii) communicable diseases (including venereal disease), body defenses and immunization programs
 - (viii) common physical and mental exceptionalities and degenerative diseases
 - (ix) consumer health including the selection of health products and professional services and the evaluation of advertising
 - (x) first aid and emergency care
 - (xi) safety including outdoor, water, home, industrial and traffic;
 - (f) provide for knowledge to assess programs and evaluate atypical students;
 - (g) provide opportunity for a variety of practicum experiences in addition to student teaching early in the curriculum;
 - (h) provide for student teaching opportunities on both elementary and secondary levels.
- (20) Reading Specialists K-12. For the prospective reading specialist, the program shall:
- (a) provide a planned sequence to include but not be limited to: general background (i.e., psychology of the reading process, nature and scope of reading program), reading skills and abilities (i.e., readiness for reading at any level, word recognition skills, vocabulary development), diagnosis and remedial teaching, organization of the reading program (i.e., classroom organization, varied approaches to reading instruction), materials (i.e., how to select and use), application of reading skills;
 - (b) provide understanding of the nature of the learner and the learning process with specific application to reading;
 - (c) provide for the development of the ability to work effectively with children and youth in developing reading skills and in diagnosing and correcting reading disabilities;
 - (d) provide knowledge of the techniques and materials used in reading instruction;
 - (e) provide for the development of skills to diagnose reading problems of exceptional students and design appropriate instruction;
 - (f) provide a supervised practicum with children and youth in developmental, corrective, and remedial and accelerated reading instruction;
 - (g) provide studies, experiences and activities in language arts which increase knowledge and skill in relation to the following:
 - (i) development of oral and written language
 - (ii) communication skills including vocabulary and concept development
 - (iii) effect of dialects
 - (iv) relationship of writing and spelling to reading
 - (v) relationship of listening to reading;
 - (h) provide for the development of knowledge and competency in relation to the following:
 - (i) developing staff understanding and support of the reading program
 - (ii) organizing and developing community support for a reading program

(iii) organizing, managing and evaluating a reading program for all children

(i) provide for understanding of the relationship of reading to and in all other subject areas with an understanding of tactics for increasing students' reading abilities in subject areas.

(21) Science. The science program may follow the subject-major pattern, or the comprehensive-major pattern (General Science) embracing a broad base science program including biology, chemistry, physics, physical science, and earth science with an emphasis of at least 20 quarter credits in one field. In Montana this General Science concentration must be coupled with the equivalent of 15 quarter credits in at least three other science areas. Curricula leading to a certificate in a discrete subject (biology, chemistry, et al) must meet provision (a) of subsection 21 of section 2.12(3)-512080 and the appropriate provisions (b)(i) through (b)(v) of that subsection.

(a) Common Standards.

(i) For the prospective teacher, the program shall provide for the attainment of:

(aa) at least minimum specified levels of preparation in the processes of science common to the several disciplines

(ab) at least minimum specified levels of preparation in the concepts and principles in several areas of science

(ac) a specified high level of preparation in a specialized field in order to be prepared to provide courses and experiences relevant to the high school curriculum in that field

(ii) provide the knowledge and experience to illustrate the cultural significance of science, to relate science through technology to social conditions, and to apply the analytical methods of science in multidisciplinary approaches to studying and solving societal problems such as the use of the environment;

(iii) provide opportunities for gaining insight into the intellectual and philosophical nature of science and mathematics;

(iv) provide for the development of the capacity and the disposition for continued learning in science and in the teaching of science subjects;

(v) provide work in areas related to the subjects to be taught with at least minimal preparation in mathematics;

(vi) provide experiences related to the nature of learning, conditions that help young people learn, and the maintenance of a proper learning environment;

(vii) provide for the development of the ability to select, adapt, evaluate and use strategies and materials for the teaching of science or mathematics so that teaching-learning situations will be consistent with general knowledge about teaching and learning and will be appropriate both to the special needs of the learners and to the special characteristics of the science disciplines or the interdisciplinary problem;

(viii) provide emphasis on the processes used in investigating scientific phenomena and those used in communicating the findings of such investigations to other science students and to the general public;

(ix) provide an awareness of the recommendations for curriculum improvement currently being made by various national scientific groups, and incorporate, as well, new teaching strategies that research demonstrates are effective;

(x) provide emphasis of the program on breadth rather than on depth including inter-relationships among the sciences and the history and philosophy of science;

(xi) provide for the development of competence in the use of teaching aids and laboratory equipment of all science fields which are appropriate;

(xii) provide a knowledge of the current curriculum studies in the various science fields; and

(xiii) provide an emphasis on lab safety.

(b) Specialized Standards.

(i) Biology. For the prospective teacher, the program shall:

(aa) provide study and experiences with emphasis on the actual living materials through laboratory and field experiences which promote investigation, inquiry and experimental methods;

(ab) provide knowledge of the significant biological phenomena as they appear in micro-organisms, plants and animals, and the relation of these phenomena to the broad areas of biology;

(ac) provide knowledge of the inter-relationship of living organisms with their physical and biotic environments;

(ad) provide understanding of the characteristics of living organisms in terms of maintenance, regulation, behavior, reproduction, genetics, development, evolution and systematics;

(ae) provide studies and experiences in areas which emphasize the relationships with biology, such as chemistry (including introduction to organic and bio-chemistry), physics, paleontology, behavior and mathematics;

(af) provide opportunities to design, develop, and evaluate effective laboratory activities using the special skills and techniques with equipment, facilities, and specimens; and

(ag) provide preparation in organizing, presenting, and evaluating subject matter content.

(ii) Chemistry. For the prospective teacher, the program shall:

(aa) provide a systematic and quantitative study of fundamental principles of chemistry, inter-related and illustrated with descriptive and historical material;

(ab) provide preparation in organizing, presenting and evaluating subject matter content in a manner which develops the understanding by pupils of the concepts of chemistry;

(ac) provide preparation in construction of meaningful pupil learning experiences through lecture and laboratory in organic, analytical and physical chemistry;

(ad) provide studies and experiences which develop basic knowledges in other natural sciences and mathematics; and

(ae) provide laboratory skills necessary to design experiments and develop demonstrations which are adjuncts to science and methods courses.

(iii) Earth Science. For the prospective teacher, the program shall:

(aa) provide preparation in mathematics and the basic sciences (biology, chemistry, and physics) and a concentration in one of the earth sciences (astronomy, geology, meteorology, and/or oceanography) with supporting work in the other three. A major in the broad field of the earth science is recommended;

(ab) provide an understanding of earth science as an interdisciplinary science involving the study of the lithosphere, atmosphere, and hydrosphere and their relationship to man's environment;

(ac) provide emphasis on field work, assuring a mastery of technique in using the local environment as a laboratory in addition to laboratory demonstrations, experimentation and research; and

(ad) provide preparation in organizing, presenting, and evaluating subject matter content.

(iv) Physical Science. For the prospective teacher, the program shall:

(aa) provide experiences in chemistry and physics in near equal proportions;

(ab) provide experiences in at least three of the following disciplines: astronomy, biology, geology, meteorology, and physical geography;

(ac) provide for the development of knowledge of mathematics;

(ad) provide laboratory experience in chemistry and physics as well as in one other science area;

(ae) provide an understanding of the integration of the physical sciences and the implications of the various sciences for contemporary society; and

(af) provide for the development of skills in organizing, presenting, and evaluating subject matter content in ways which provide for optimal learning.

(v) Physics. For the prospective teacher, the program shall:

(aa) provide a systematic and quantitative study of the fundamental topics of physics, interrelated and illustrated with descriptive and historical material;

(ab) provide emphasis in mathematical preparation concurrently with the preparation in physics;

(ac) provide for the development of skills in organizing, presenting and evaluating subject matter content in a manner which enhances the development of the concepts in physics by secondary school pupils;

(ad) provide for knowledge of varieties of pupil learning experiences appropriate for areas of classical and modern physics;

(ae) provide studies and experiences which develop basic knowledges in biology, chemistry, and mathematics, and include an introduction to differential equations; and

(af) provide the laboratory skills necessary to design, develop, and evaluate effective laboratory activities using proper maintenance of equipment.

(22) Social Science. The social science programs may follow the subject-major pattern, or the comprehensive-major pattern embracing a broad base social studies program including history, sociology, government, economics, psychology and geography with an emphasis of at least 20 quarter credits in one field. In Montana, this concentration must be coupled with the equivalent of 15 quarter credits in at least three other social studies areas. Curricula leading to a certificate in a discrete subject (history, political science, et al) must meet provision (a) of subsection (22) of section 2.12(3)-SI2080 and the appropriate provisions (b) through (g) of that subsection.

(a) Common Standards. For the prospective teacher, the program shall:

(i) provide for the development of the ability to organize learning experiences which facilitate growth in group processes and human relations skills including:

(aa) the ability to feel for others

(ab) the ability to examine one's own feelings in the process of developing a positive self-concept

(ac) the recognition that all human problems cannot be handled with scientific precision, and

(ad) the ability to work effectively with others as a member of a group;

(ii) provide for the development of a process approach to teaching social studies which utilizes the various structures and inquiry tools drawn from the social science disciplines;

(iii) provide for the development of the ability to organize social sciences content data into teaching/learning sequences that:

(aa) reflect meaningful factual information as the content base;

(ab) arrange the major concepts and data into learning sequences which help students discover the relationships between facts, concepts and generalizations;

(ac) organize teaching/learning strategies in a manner that students may proceed from factual information to the development of theories;

(iv) provide for the study of the scientific processes in teaching social studies and for the development of the ability to organize instructional material which provides maximum opportunity for students to make:

(aa) observations that utilize all of the senses for purposes such as data collection or problem areas awareness for classroom study;

(ab) classifications which emerge from the observations of objects and events with schemes based on observable similarities and differences;

(ac) inferences about what is not directly or immediately observable and involving evaluation and judgment of data;

(ad) hypotheses from inferences and predictions that can be tested by a proof process;

(ae) reliable predictions about the consequences of a solution to a particular problem of issue based on past observations and the nature of the event being predicted;

(af) hypotheses tests by designing and using data gathering procedures;

(v) provide knowledge of a variety of processes used in examining controversial and value-related issues including

(aa) the valuing process and a process which permits examination of affective as well as the cognitive input;

(vi) provide for the development and demonstration of the ability to think critically and to formulate a rational basis for decision making through:

(aa) application of social studies data by constructing charts, maps, tables, graphs, and other pictorial models;

(ab) knowledge of the necessary skills in library research which utilize the latest information from national depositories and clearinghouses;

(ac) utilization of appropriate levels of questioning which will elicit student response from recall through evaluation;

(vii) provide understanding of the use of simulation and gaming techniques resulting in ability to:

(aa) organize materials for instruction using simulation games as a means of providing students direct experience with selected concepts;

(ab) develop a simulation game or role playing situation for selected content;

(ac) employ aspects of gaming in teaching social studies.

(b) Economics. For the prospective teacher, the program shall:

(i) provide knowledge of the impact of economic principles and processes as related to problems and practices in diverse economic systems;

(ii) provide knowledge of how basic economic decisions are made with regard to production, consumption and distribution;

(iii) provide knowledge that all economic systems are confronted by the problem of unlimited wants and limited resources;

(iv) provide knowledge of how the pattern of economic arrangements within a society reflect the values and objectives of that society;

(v) provide study of the concept of comparative advantage and its relationship to the exchange of goods and services among developed and developing nations of the world;

(vi) provide for knowledge of the comparison of the economic performance of different cultural groups;

(vii) provide for knowledge of the comparison of the effect of production on the industrial power of different nations;

(viii) provide for analysis of the potential standards of living among nations by examining factors of production;

(ix) provide for the examination of the concept of specialization and the resultant interdependency within and among nations;

- (x) provide for the analysis of economic fluctuations that have resulted from periods of inflation, deflation or depression;
- (xi) provide for the study of the feelings and perceptions of people during periods of economic fluctuations;
- (xii) provide for the development of the ability to assess the major value difference and resulting conflict situations that occur during periods of inflation, deflation, or depression;
- (xiii) provide for the analysis of the causes of economic fluctuations and the development of policies to cope with these problems.

(c) Geography. For the prospective teacher, the program shall:

- (i) provide knowledge of the effects that spatial relationships, physical environments, and regionalization have on the development of the human experience;
- (ii) provide knowledge of the changes affecting the nature of a locale through time;
- (iii) provide for the analysis of the effects of site and situation on developing cultures and life patterns;
- (iv) provide for study of reasons why different human activities occur in regions of similar natural factors;
- (v) provide for study of reasons why similar human activities occur in regions of different environmental conditions;
- (vi) provide for the development of the ability to assess the impact of the uneven distribution of human numbers and the resultant pressure of those numbers on the physical resources of selected areas of the world;
- (vii) provide for the study of adverse conditions associated with the use of human space: crime, slums, pollution, value systems, degeneration and deterioration, and deterioration of other physical, mental and moral qualities;
- (viii) provide a knowledge of the earth's physical environment and its influences on the development of culture;
- (ix) provide for the study of the factors of the natural environment and man's ability to alter them in a positive or negative way;
- (x) provide for the development of the ability to analyze the physical and cultural component parts of a portion of the world;
- (xi) provide for the analysis of current environmental problems and examine the roles of individuals, societal agents, and technology on developing and effecting solutions;
- (xii) provide for the analysis of the use of formal and functional regions in the organization of space;
- (xiii) provide for the development of the ability to evaluate the region as a planning device for making rational use of the earth's resources by evolving strategies and establishing priorities;
- (xiv) provide for the analysis of the region as a method of organizing space and employ regional systems as a useful framework for handling large amounts of diverse information;
- (xv) provide for the assessment of the disorganization of space and those factors that account for discontinuity.

(d) Government. For the prospective teacher, the program shall:

(i) provide knowledge of the fact that every society has some authority structure which can be recognized as a government and has been created by the interdependence of individuals and groups within the society;

(ii) provide for the study of decisions, policies and laws of a given society as a reflection of the society's values, beliefs, and traditions;

(iii) provide for the study of the interrelatedness of the political aspects of a culture with the economic, social, geographic and environmental factors and problems within a culture;

(iv) provide for the analysis of the current political actions and attitudes of a society in relation to its prior history;

(v) provide for the development of the ability to examine critically governmental systems, not only as forms of government, but also as methods, processes and reflections of societal convictions;

(vi) provide for the study of sources of political power and authority;

(vii) provide for the development of the ability to examine political ethics as a reflection of the moral conduct of the society as a whole;

(viii) provide a knowledge of the processes involved in conflict resolution and public policy adjudication in a society;

(ix) provide knowledge of how public policy evolves from the bargaining and compromising among competing demands on influential groups;

(x) provide for the analysis of the governmental structures and institutions established to protect public policy decisions and to enforce them on the society at large;

(xi) provide for the development of the ability to examine the agencies created to protect the rights, liberties, and obligations of each member or group within the society;

(xii) provide for the study of methods of interest articulation and communication as practiced by interest groups, pressure groups, and lobbies in various systems.

(e) History. For the prospective teacher, the program shall:

(i) provide a knowledge of the human past as a means in understanding the present and the possibilities for the future;

(ii) provide for the study of the relationship of history to the social sciences in explaining the human experience;

(iii) provide for the study of history as a response to the eternal desire of humans to know about themselves and others;

(iv) provide an understanding that history is concerned with societies as well as individuals;

(v) provide for the study of history as it emphasizes the uniqueness of individual and collective human experience;

(vi) provide an understanding that continuous and unrelenting change has been a universal condition of human society throughout remembered and recorded time;

(vii) provide an understanding that each generation tends to create and rewrite history in terms of its own needs, aspirations and points of view;

(viii) provide for a recognition that the record of the past is irremediably fragmentary, selective and biased;

(ix) provide knowledge that the past should be examined in light of contemporary standards, values, attitudes and beliefs rather than exclusively by modern standards;

(x) provide an understanding that history has the obligation to reassess and reinterpret the past, bringing it to bear on the present and translating it into a form each new generation can use;

(xi) provide an understanding that a knowledge of the possibilities of history can help people in influencing a more favorable course for the human race;

(xii) provide for the development of an awareness of the value dilemmas of modern times and the prospects for resolving the dilemmas;

(xiii) provide for the development of an understanding of the interrelated factors--economic, social, cultural, political, geographical and intellectual--that have shaped historical development.

(xiv) provide an understanding that multiple causation is the dominant pattern in explaining the human past and that historical events can seldom be explained in terms of a simple, one-to-one, cause and effect relationship;

(xv) provide for knowledge from areas of study that are important to the modern student and relevant to his needs as an intelligent being:

(aa) Montana and the Rocky Mountain region

(ab) the United States

(ac) European and non-western civilization

(f) Psychology. For the prospective teacher, the program shall:

(i) provide for the development of an understanding of behavior in man and other animals;

(ii) provide knowledge of investigative and scientific methods used to the study of behavior;

(iii) provide for the development of an understanding of the effects of stimuli on behavior;

(iv) provide for the study of the cultural influences on behavior and the modification of them;

(v) provide for the recognition and explanation of behavior classified as deviant.

(g) Sociology. For the prospective teacher, the program shall:

(i) provide for the development of an awareness of the various aspects of human behavior which are related to the fact that man lives in groups;

(ii) provide for the study of the diverse and similar patterns of human grouping in relation to specific cultural values;

(iii) provide for the recognition that every society develops a system of roles, norms, values and sanctions to guide behavior of individuals and groups;

(iv) provide for the analysis of the general structure of society in terms of the following concepts: values, institutions, organizations, groups, status positions, and social roles;

(v) provide for the study of diversity and variations existing within a given and comparative social structure;

(vi) provide for the study of social disorganization present in all societies;

(vii) provide knowledge of how culture is adapted to serve man's needs as well as how man adapts to cultural conditions.

(23) Speech Communication. For the prospective teacher, the program shall:

(a) provide for skills in the area of speech fundamentals, public address, oral interpretation, dramatics and simple speech problems;

(b) provide for the development and demonstration of personal proficiency in oral communications; and

(c) provide experiences with dialects and other regionalisms regarding their origin, development and place in contemporary culture;

(d) provide knowledge of the various personal, social and communication purposes of language, including attention to factors such as:

(i) social and regional language variation

(ii) language for control and management of others; i.e., language abuse, e.g., the rhetoric of politics, advertising, etc.;

(e) provide knowledge of the nature of nonprint and non-verbal expression as well as their relationship to verbal expression;

(f) provide knowledge of the processes whereby individuals acquire, understand and use their language;

(g) provide knowledge of the attributes of oral language in the developing child through adolescence;

(h) provide knowledge of approaches to assessment and diagnosis of students' encoding and decoding abilities in various settings and for various purposes;

(i) provide for the development of the ability to assess and interpret students' progress in both decoding and encoding language in various social, regional, and cultural settings;

(j) provide for the development of the ability to prescribe suitable techniques and materials for overcoming specific decoding and encoding difficulties and the ability to design effective instructional strategies and teaching approaches for the teaching of encoding and decoding skills;

(k) provide for the development of the ability to help students become aware of the various social and cultural backgrounds and purposes of language use;

(l) provide for the development of the ability to articulate and nature and purposes of the Speech Communication curriculum to professional peers, school administrators, and parents; and

(m) provide for the development of a respect for the worth of all students, their language and desires, and their individual uniqueness.

(24) Trades and Industry. Teacher preparation for teaching in many such occupational areas requires the baccalaureate degree as a prerequisite for beginning teaching. For the prospective teacher, the program shall:

(a) provide or arrange vocational training and/or supervised work if the student has not had such experiences;

(b) provide general education requirements in the humanities, mathematics, natural sciences, social studies and behavioral sciences that are designed to acquaint the learner with areas of human experience to which he/she has not yet been exposed;

(c) provide on-the-job supervision during the first year of teaching if the new teacher has not student taught. Modification from the requirements of this rule shall be allowed if necessary;

(d) provide skills necessary for the utilization of trades and industry youth organizations as a means for teaching leadership skills through knowledge and practice of speech, parliamentary procedures, and group cooperative efforts.

(25) Traffic Education. For the prospective teacher, the program shall:

(a) require that the candidate for the traffic education certificate possess a standard teacher's certificate in another area of certification;

(b) assure that the student possesses a valid driver's license;

(c) provide for the development of an understanding of the basic principles of motor vehicle systems, dynamics, and maintenance;

(d) provide for the development of an understanding of the interaction of all highway transportation system elements;

(e) provide opportunities for professionally supervised student teaching experiences in theory classes and behind-the-wheel situations and provide for the demonstration of skill in motor vehicle operation and on-street instruction;

(f) provide for study of due processes in the application of laws;

(g) provide for study of the physiological and psychological influences of alcohol and drug abuse as they relate to the highway transportation system;

(h) provide for study of the frequency, severity, nature, and directions for prevention of accidents which occur to age groups while participating in various life activities;

(i) provide for the development of an ability to communicate effectively with appropriate agencies concerned with safety;

(j) provide for the development of an awareness of the necessity to provide students with positive attitudes toward safe driving as well as with the required skills for safe driving;

(k) provide study of procedures and conditions for activating an emergency medical services system;

(l) provide for the development of the ability to assist students in examining and clarifying their beliefs, attitudes, and values as they relate to safety;

(42)

(m) provide specific knowledge of administrative procedures, practices and policies required for organizing and operating an approved traffic education program;

(n) provide for the development of the ability to assess current trends and provide information about current materials and innovative methods in traffic materials education; and

(o) provide for the development of the ability to structure and implement driver education learning experiences and to identify and develop support materials related to the following modes:

- (i) regular classroom
- (ii) multi-media
- (iii) driving simulation
- (iv) off-street multiple car driving range
- (v) on-street

48-2.12(3)-S12090 Teaching Areas: Additional Fields

These programs are designed for teachers who hold a regular teaching certificate and who desire to develop skills in a different teaching field.

(1) The program shall be designed to produce skills at least equivalent to those developed by programs approved as meeting the standards for basic programs in the teaching field as outlined above.

(2) When necessary, laboratory experiences shall be provided under the jurisdiction of the preparing institution.

Subchapter 4 - CURRICULUM PRINCIPLES AND STANDARDS: ADVANCED PROGRAMS

48-2.12(4)-S12100 Program Development, Planning and Patterns

(1) A single, specifically designated administrative unit shall be responsible for assuring the quality of post-baccalaureate programs of advanced study in education. This unit shall:

(a) share aspects of this responsibility with appropriate units or committees;

(b) see that the responsibility shall be unified, specific, widely understood and generally accessible;

(c) make provisions for communication, cooperation, and deliberate coordination clear in institutions operating several programs;

(d) provide data to indicate objectives being served, the unique and cooperative program provisions, and the means of program evaluation;

(e) provide for the accessibility of evidence concerning program evaluation

(2) Those institutions offering both undergraduate and graduate programs shall maintain consistency in philosophy, principles, and objectives upon which the teacher education programs are based.

(3) The institutions shall be responsible for designing programs within the meaning and scope of education program objectives and within the guidelines of the governing board.

(4) The Board of Public Education is responsible for stimulating the development of objectives by all concerned, and for evolving and carrying out appropriate procedures for certifying teachers.

(5) All post-baccalaureate educational programs shall include the following:

(a) the publication of specifically stated program objectives and program outlines giving evidence of the provision for achieving the objectives of the program. When two or more related kinds of student objectives are served within one broad program, the provisions for achieving each shall be made clear;

(b) provisions for maintaining quality of scholarship and for assuring scholarship in depth appropriate to the announced level;

(c) sufficient breadth of coverage to enable the student to develop supporting and related skills and insights in addition to a major emphasis;

(d) support adequate resources of staff, equipment, special facilities, including library and general institutional backing to provide maximum quality in each program;

(e) a program of supervised practical experience in curricula designed for the development of initial competence in teaching or in an area of educational specialization. This program shall be designed both to develop skill and to serve as a basis for evaluating the student's performance and for recommending appropriate certification and/or a master's degree. Adequate time for both on-campus and off-campus experiences shall be provided to meet these objectives.

(f) sufficient flexibility to permit adaptation to the individual backgrounds and objectives of the students;

(g) the responsibility for evaluating and recommending graduate students (with reference to their special competencies in terms of specific program objectives) to the Board of Public Education;

(6) The application of operating controls shall be such as to guarantee the integrity of each program and shall include:

(a) an advisory system for advanced study programs which:

(i) reflects attention to individual student potentialities

(ii) utilizes all instructional resources, and

(iii) recognizes the rapid growth of knowledge;

(b) selective admission and retention procedures to maintain a quality of students in each program appropriate to its objectives;

(c) student evaluation and degree requirements to support the admission and selective retention procedures in harmony with program objectives over and above general institutional requirements;

(d) program evaluation procedures to assure continued professional appraisal and improvement;

(e) residence requirements academically appropriate to the objectives of the programs in which they apply;

(f) internal provisions to give evidence of harmony between objectives and prerequisites, to the effect that such prerequisites and program provisions shall form a consistent and interrelated whole.

48-2.12(4)-S12110 Teaching Areas: Advanced Programs

(1) Admission to such programs shall be open to persons who already hold the initial regular teaching certificate in the teaching field. The emphasis, in both content and rigor, should be on advanced study in that field.

(2) Learning procedures shall be appropriate to the competence of the students and to their growing knowledge in the area of specialization.

(3) The content of programs in subject fields, and/or professional education shall provide:

(a) breadth in the field;

(b) the detailed study of one or more specialized aspects of the field; and

(c) access to new research and developments.

48-2.12(4)-S12120 Specializations: Supervisory and Administrative Programs

(1) For the prospective supervisor, the program shall:

(a) provide well-defined criteria for admission which shall include professional experiences in the schools;

(b) provide for increased understanding of the crucial and dynamic role of the school in our culture and for the development of the knowledge and skills needed to focus the resources of the school on recognized social concerns;

(c) provide an advanced level of preparation with emphasis on recent research and new developments in the area to be supervised;

(d) provide for the development of skill in understanding principles and practices in curriculum development and interpreting this development to others;

(e) provide for the understanding of learning theory and the application of such theory to the improvement of teaching;

(f) provide for the development of skill in school supervision with emphasis on the individual and on group processes; and

(g) be designed to facilitate the acquisition of those skills deemed essential for effective supervision and shall include supervised experiences in schools to provide an opportunity to:

(i) observe how supervisors discharge supervisory duties

(ii) gain knowledge of essentials in successful school supervision

(iii) acquire theoretical understandings of successful school supervisory practices

(iv) learn about school organization and essentials of coordination of various aspects of the school program

(v) acquire supervisory competence through practice carefully assessed by administrative or supervisory personnel.

(2) School Principals. For the prospective principal, the program shall:

- (a) provide well-defined criteria for admission which shall include professional experiences in the schools;
- (b) assure the acquisition of:
 - (i) knowledge of a broad range of learning experiences and an understanding of the interrelationships involved
 - (ii) knowledge and skills of administration and supervision
 - (iii) knowledge and skills related to group dynamics and curricular improvements
 - (iv) understanding of the particular rights, responsibilities and ethics inherent in professional service
 - (v) knowledge and skills related to school-community relations
 - (vi) ability to conceptualize the interrelationships of the various disciplines
 - (vii) knowledge of school law
 - (viii) experience in research and development with specific application to school programs and administration;
- (c) provide flexibility to allow for individualized programs of study and experience;
- (d) provide for supervised off-campus practicum which aids in integrating theory and effective school practices;
- (e) provide for the identification of candidates possessing qualities of leadership, sensitivity, and scholarship along with the human relations skills and insights necessary for effective selection and continuing development of personnel through the use of selection, retention and final evaluation procedures;
- (f) provide for comprehension of learning theory and competence in applying such theory and to the evaluation and improvement of learning and teaching; and
- (g) provide for understanding of the crucial and dynamic role of the school in our culture and knowledge and skills needed to focus the resources of the school on recognized social concerns

(3) School Superintendents. For the prospective superintendent, the program shall:

- (a) provide well-defined criteria for admission which shall include professional experiences in the schools;
- (b) provide for the development of skill in administration of educational programs, administration of funds and facilities, personnel administration and continuing staff development;
- (c) provide for the development of skill in such administrative processes as: discovering, diagnosing, setting goals, planning, making decisions, establishing priorities, organizing, delegating, communicating and evaluating;
- (d) provide for understanding of the crucial and dynamic role of the school in our culture and for knowledge and skills needed in focusing the resources of the school on recognized social concerns;
- (e) provide for the identification of candidates possessing qualities of leadership, sensitivity, and scholarship along with the human relations skills and insights necessary for effective selection and continuing development of all school personnel

through the use of selection, retention, and final evaluation procedures.

(f) provide studies, experiences, and activities which increase a candidate's comprehension, knowledge and skill in relation to the following:

- (i) the learner and the learning process
- (ii) curriculum development
- (iii) school organization and operation
- (iv) supervision of professional and non-professional personnel
- (v) school board relationships, school law, professional personnel responsibilities, negotiations, school finance, and public relations
- (vi) relevant concepts from the social and behavioral sciences
- (vii) performance and interpretation of research and development with specific applications to school programs and administration
- (viii) dealing with school-community needs

Subchapter 5 - INNOVATIVE AND EXPERIMENTAL PROGRAMS

48-2.12(5)-S12130 Types of Programs Innovative and experimental programs include but are not necessarily limited to the following:

- (1) New Approaches: programs designed to develop new approaches, new arrangements, and/or new contexts for the preparation of school personnel.
- (2) New Positions: programs designed to prepare school personnel for new types of positions that are emerging on the education scene.
- (3) Special Needs: programs designed to meet the special needs of particular segments of our society.
- (4) Specific Curricular Areas: programs designed for specific curricular areas for which recognized standards have not been developed.

48-2.12(5)-S12140 Standards (1) A clear statement justifying the request for the approval of an experimental or innovative program shall be provided and shall include the assumptions, rationale, and objectives on which the program is based.

(2) Each program shall:

(a) be based upon a statement of the purpose and objectives of teaching in this area and upon a well-formulated statement of the nature of the public school program that is needed to accomplish these objectives. These statements shall:

- (i) be prepared cooperatively by the agencies concerned with teacher education;
- (ii) be based on analyses of current practices and trends in this field of the public school curriculum; and
- (iii) be available in writing

(b) include a clearly formulated statement of the competencies needed by teachers in this area. These statements of competencies shall:

(i) include required attitudes, knowledges, understandings and skills and the degrees of expertise in each necessary for the beginning teacher;

(ii) be based upon the statement developed in the preceding standards regarding the objectives and program of the school; and -

(iii) be available in writing.

(c) include a description of the process by which the personnel will be prepared;

(d) develop provisions for keeping records of the students' progress in the program;

(e) make arrangements for systematic review of the process at stated intervals by both the institution and the Office of Public Instruction;

(f) be supported by identifiable human and physical resources that will be available throughout the duration of the program. Any resources not under the control of the teacher education institution shall be outlined and confirmed by the Board of Public Education;

(g) include a timetable setting forth:

(i) the beginning and ending dates;

(ii) the sequence of activities that will occur;

(iii) the anticipated schedule of evaluative check points;

(iv) selected intervals for the identification of competencies or other changes in the program;

(v) the approximate dates on which periodic program reports will be submitted to the appropriate institutional officials and to the Superintendent of Public Instruction.

(h) provide for continuing evaluations with definite provisions for performance criteria and follow-up at specified intervals. The evaluations shall:

(i) be guided by a plan that includes definitions and specifications of the kinds of evidence that will be gathered and reported;

(ii) provide information to identify areas in the program that need strengthening;

(iii) be used to suggest new directions for program development.

(3) The preparing institution shall be vested with the administrative responsibility for the program. Institutions which accept the responsibility for the education of teachers shall establish and designate the appropriate division, school, college or department within the institution to act within the framework of general institutional policies on all matters relating to such program.

Subchapter 6 - STANDARDS FOR APPROVING COMPETENCY-BASED
OR PERFORMANCE-BASED PROGRAMS

48-2.12(6)-S12150 Standards for Approving Competency-
Based or Performance Based Programs These standards apply to
all competency-based and performance-based teacher education
programs. For each preparation program the institution shall:

(1) Develop and adopt an explicit statement of "program
exit" competencies that relate to the entry-level professional
role. These competencies must include all of the criteria im-
plicit in the General Standards (48-2.12(3)-S12070) and Specific
Standards (48-2.12(3)-S12080) of Subchapter 3.

(2) Provide a program design that:

(a) relates the competencies (cited in (1) above) to mod-
ules, subcourses or courses;

(b) lists the learning activities involved; and

(c) specify the assessment techniques used to verify the
attainment of these competencies.

(3) Formally assesses follow-up data to determine the re-
lationship between "exit" competencies and initial professional
role performance. Such assessment shall be considered in pro-
gram development.

(4) Have an on-site evaluation team designed by the Office
of Public Instruction determine the institution's performance
in the development and verification of a candidate's role compe-
tency and in the collection and use of follow-up data.

4. The Board is proposing this rule to fulfill their con-
stitutional authority to ensure reasonable training for teachers,
supervisors, and administrators as dictated under Montana school
law and to provide a basis for interstate reciprocity of teacher
certification. Such reciprocity is sought to enable graduates
of Montana's public and private colleges and universities to
qualify more easily for teacher certification in other states.

5. Interested persons may present their data, views or
arguments, either orally or in writing, at the hearing. Written
data, views or arguments may be submitted to Harriett C. Meloy,
Chairperson of the Board of Public Education, 33 South Last
Chance Gulch, Helena, Montana 59601, at any time prior to
February 2, 1979. Written data, views or arguments received
after February 2, 1979, or post mark dated after February 2,
1979, may not be considered in the adoption of the rule.

6. Harriett C. Meloy, Chairperson of the Board of Public
Education, has been designated to preside over and conduct the
hearing.

7. The authority of the agency to make the proposed rule
is based on sections 20-4-101, 20-4-102, and 20-4-121, MCA.



ASSISTANT TO THE BOARD OF PUBLIC
EDUCATION

